

MONTANA LEGISLATIVE HISTORY

Chapter 349 19 85

Bill H _____ S 130 Original bill & history ☒ C

H. Committee on Local Government

Hearing Date(s) 3-21 _____ C

_____ C

_____ C

_____ C

Date Out 3-21 _____ C

S. Committee on Local Government

Hearing Date(s) 1-29 _____ C

2-7 _____ C

2-12 _____ C

_____ C

Date out 2-12

Did this bill originate in an interim committee? _____ Yes ☒ No

Committee _____

Report _____

SENATE FINAL STATUS

2/08 ADVERSE COMMITTEE REPORT 38 11
2/08 BILL KILLED

SB 128 INTRODUCED BY HIMSL, MAZUREK, ET AL.
REPLACING THE MECHANICS' LIEN LAWS WITH THE UNIFORM
CONSTRUCTION LIEN LAW

1/18 INTRODUCED
1/18 REFERRED TO JUDICIARY
2/08 HEARING
2/11 TABLED IN COMMITTEE

SB 129 INTRODUCED BY BOYLAN, THAYER, ET AL.
CENTRALIZED FILING SYSTEM FOR SECURITY INTERESTS
COVERING AGRICULTURAL GOODS

1/18 INTRODUCED
1/18 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
1/21 FISCAL NOTE REQUESTED
1/23-REQUEST FOR FISCAL NOTE CANCELLED
2/01 HEARING
2/15 FISCAL NOTE REQUESTED
2/21 COMMITTEE REPORT-BILL PASS AS AMENDED
2/21 STATEMENT OF INTENT ATTACHED
2/21 FISCAL NOTE RECEIVED
2/23 2ND READING PASS 49 0
2/25 3RD READING PASS 46 1

TRANSMITTED TO HOUSE
2/27 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
3/07 REREFERRED TO BUSINESS & LABOR
3/20 HEARING
3/29 COMMITTEE REPORT-BILL CONCURRED
4/01 2ND READING NOT CONCURRED 51 49

RETURNED TO SENATE
4/02 RECONSIDERATION

RETURNED TO HOUSE
4/09 2ND READING CONCURRED AS AMENDED 66
4/11 3RD READING CONCURRED 66 33

RETURNED TO SENATE WITH AMENDMENTS
4/13 ON MOTION RULES SUSPENDED
TO ACCEPT TO CONSIDER HOUSE AMENDMENTS
4/17 2ND READING AMENDMENTS CONCURRED 48 1
4/18 3RD READING AMENDMENTS CONCURRED 45 4
4/25 SIGNED BY PRESIDENT
4/25 SIGNED BY SPEAKER

4/25 TRANSMITTED TO GOVERNOR
5/09 SIGNED BY GOVERNOR
CHAPTER NUMBER 683 EFFECTIVE DATE: 7/01/86
SECTIONS 5, 8, 9, 10 ARE EFFECTIVE 5/9/85

SB 130 INTRODUCED BY HARDING, POFF, HANNAH, REGAN
PROVIDING STANDARD NOTICE PROVISIONS FOR LOCAL
GOVERNMENT EXCEPT CITIES AND TOWNS

1/18 INTRODUCED

SENATE FINAL STATUS

1/18	REFERRED TO LOCAL GOVERNMENT		
1/29	HEARING		
2/14	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/16	2ND READING PASS	47	0
2/19	3RD READING PASS	45	0

	TRANSMITTED TO HOUSE		
2/27	REFERRED TO LOCAL GOVERNMENT		
3/21	HEARING		
3/22	COMMITTEE REPORT-BILL CONCURRED		
3/23	2ND READING CONCURRED	85	0
3/26	3RD READING CONCURRED	99	0

	RETURNED TO SENATE		
3/30	SIGNED BY PRESIDENT		
3/30	SIGNED BY SPEAKER		

4/01	TRANSMITTED TO GOVERNOR		
4/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 349	EFFECTIVE DATE:	10/01/85

SB 131 INTRODUCED BY HAFHEY, QUILICI
ENCUMBRANCE OF APPROPRIATIONS FOR BUILDING REPAIR
MAINTENANCE RENOVATION
BY REQUEST OF GOVERNOR'S STATE BUILDING
CONSTRUCTION ADVISORY COUNCIL

1/18	INTRODUCED		
1/18	REFERRED TO STATE ADMINISTRATION		
1/29	HEARING		
1/29	COMMITTEE REPORT-BILL DO PASS		
1/31	2ND READING PASS	49	0
2/02	3RD READING PASS	46	0

	TRANSMITTED TO HOUSE		
2/27	REFERRED TO STATE ADMINISTRATION		
3/08	HEARING		
3/08	COMMITTEE REPORT-BILL CONCURRED		
3/09	2ND READING CONCURRED	91	3
3/11	RECONSIDERATION		
3/13	2ND READING CONCURRED	98	0
3/15	3RD READING CONCURRED	96	2

	RETURNED TO SENATE		
3/19	SIGNED BY PRESIDENT		
3/20	SIGNED BY SPEAKER		

3/21	TRANSMITTED TO GOVERNOR		
3/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 146	EFFECTIVE DATE:	3/22/85

SB 132 INTRODUCED BY HALLIGAN
DIVIDE AGGRAVATED ASSAULT INTO FIRST AND SECOND
DEGREE OFFENSES

1/18	INTRODUCED		
1/18	REFERRED TO JUDICIARY		
1/25	HEARING		
1/28	COMMITTEE REPORT-BILL PASS AS AMENDED		
1/30	2ND READING PASS	49	0

CHAIRMAN--FULLER, DAVE
SECRETARY--GHILARDI, CHERYL
NORMAL SCHEDULE==> SITE: ROOM 405

COMMITTEE--(S) LOCAL GOVERNMENT
DAYS: TU-TH-SAT TIME: 12:30-2:30 P.M.

BILLS REPORTED OUT.

* BILL NO ** DATE *** CURRENT STATUS *****

SB 1	07/01 (S) CHAPTER NUMBER SPONSOR-CHRISTIAENS, B.F. CHRIS	TITLE-COUNTY LAND PLANNING FUNDS USES
SB 7	07/01 (S) CHAPTER NUMBER SPONSOR-NEUMAN, TED	TITLE-APPROVING FREDDIE MAC SECURITIES AS SECURITY FOR DEPOSITS
SB 20	03/14 (H) BILL KILLED SPONSOR-FULLER, DAVID E.	TITLE-REPEALING COUNTY BILLARD TABLE AND BOWLING ALLEY LICENSES
SB 25	04/23 (S) TRANSMITTED TO HOUSE SPONSOR-TOWE, THOMAS E.	TITLE-STATE FUNDING FOR CERTAIN DISTRICT COURT EXPENSES
SB 31	03/26 (S) CHAPTER NUMBER SPONSOR-HIMSL, MATT	TITLE-WAIVER OF COUNTY SURVEYOR QUALIFICATIONS UPON OFFICE CONSOLIDATION
SB 38	03/16 (H) BILL KILLED SPONSOR-MAZUREK, JOSEPH P.	TITLE-CLARIFYING WHEN CHANGES TO THE ASSESSMENT BOOK MUST BE MADE
SB 50	10/01 (S) CHAPTER NUMBER SPONSOR-BROWN, BOB	TITLE-REMOVE REQUIREMENT THAT COUNTY BUDGET AND TAX DELINQUENCIES BE SENT TO DOR
SB 62	02/15 (S) BILL KILLED SPONSOR-MANNING, RICHARD E.	TITLE-PROVIDE DISABILITY BENEFITS FOR POLICE UNDER PERS REGARDLESS OF YEARS SERVED
SB 88	04/12 (S) CHAPTER NUMBER SPONSOR-AKLESTAD, GARY C.	TITLE-PERMITTING TRANSFER OF MONEY IN POLICE RETIREMENT FUND TO CITY GENERAL FUND
SB 92	10/01 (S) CHAPTER NUMBER SPONSOR-CHRISTIAENS, B.F. CHRIS	TITLE-HANDICAPPED PARKING PRIVILEGE FOR OUT-OF-STATE PERMITTEES
SB 93	04/23 (S) TRANSMITTED TO GOVERNOR SPONSOR-CHRISTIAENS, B.F. CHRIS	TITLE-HANDICAPPED PERSONS' PARKING SPACES REQUIREMENTS
SB 94	03/26 (S) CHAPTER NUMBER SPONSOR-MCCALLUM, GEORGE	TITLE-TERMINATES APPOINTMENT TO VACANT ELECTIVE OFFICE AS OF NEXT GENERAL ELECTION
SB 102	10/01 (S) CHAPTER NUMBER SPONSOR-BLAYLOCK, CHET	TITLE-REVISE DOCUMENTATION OF CLAIMS AGAINST A MUNICIPALITY
SB 116	04/24 (S) SCHEDULED FOR 2ND READING SPONSOR-AKLESTAD, GARY C.	TITLE-REVISING PAY STRUCTURE FOR PROSECUTING ATTORNEYS AND PROVIDING FUNDING
SB 118	03/21 (H) BILL KILLED SPONSOR-MCCALLUM, GEORGE	TITLE-INCREASE SALARY OF CLERK AND RECORDER WHO SERVES AS ELECTION ADMINISTRATOR
SB 126	07/01 (S) CHAPTER NUMBER SPONSOR-MCCALLUM, GEORGE	TITLE-COUNTY BUDGET REVISION; BUDGET CLASSES
SB 127	02/08 (S) BILL KILLED SPONSOR-BROWN, BOB	TITLE-ALLOCATING PART OF FOREST RESERVE MONEY FOR CITY OR TOWN STREETS
SB 130	10/01 (S) CHAPTER NUMBER SPONSOR-HARDING, ETHEL M.	TITLE-PROVIDING STANDARD NOTICE PROVISIONS FOR LOCAL GOV. EXCEPT CITIES AND TOWNS
SB 140	04/22 (S) CHAPTER NUMBER SPONSOR-CHRISTIAENS, B.F. CHRIS	TITLE-INCREASING COUNTY DEBT WITHOUT A VOTE TO \$500,000
SB 142	04/23 (H) 3RD READ FCC ADOPTED SPONSOR-HALLIGAN, MIKE	TITLE-INCREASING LIGHT VEHICLE FEES - USING INCREASE FOR DISTRICT COURTS
SB 160	04/15 (S) CHAPTER NUMBER SPONSOR-FULLER, DAVID E.	TITLE-MUNICIPAL BUDGET REVISION; BUDGET CLASSES
SB 163	10/01 (S) CHAPTER NUMBER SPONSOR-HARDING, ETHEL M.	TITLE-DELETE DEPARTMENT OF COMMERCE SAMPLE PETITIONS FOR MUNICIPALITIES
SB 170	02/21 (S) BILL KILLED SPONSOR-MCCALLUM, GEORGE	TITLE-COUNTY FAIRS REVISION OF FUNDING LIMITS
SB 177	03/23 (H) BILL KILLED SPONSOR-KOLSTAD, ALLEN	TITLE-CORONER QUALIFICATIONS AND EDUCATION
SB 180	03/29 (S) CHAPTER NUMBER SPONSOR-VAN VALKENBURG, FRED	TITLE-COUNTY PROPOSED BUDGET - TERMINOLOGY, PUBLICATION, AND PREPARATION DATES
SB 181	04/11 (S) CHAPTER NUMBER SPONSOR-HAFFEY, JACK	TITLE-LOCAL GOVERNMENT STUDY COMMISSIONS - REVISION AND CLARIFICATION
SB 183	04/19 (S) CHAPTER NUMBER SPONSOR-MAZUREK, JOSEPH P.	TITLE-VACANCIES ON COUNTY COMMISSION TO BE FILLED BY COMMISSIONERS
SB 187	10/01 (S) CHAPTER NUMBER SPONSOR-TOWE, THOMAS E.	TITLE-REVISING LAWS RELATING TO LAW ENFORCEMENT OFFICERS' RETIREMENT SYSTEMS

SENATE BILL NO. 130

INTRODUCED BY HARDING, POFF, HANNAH, REGAN

IN THE SENATE

January 18, 1985	Introduced and referred to Committee on Local Government.
February 14, 1985	Committee recommend bill do pass as amended. Report adopted.
February 15, 1985	Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass.
February 18, 1985	Considered correctly engrossed.
February 19, 1985	Third reading, passed. Ayes, 45; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Local Government.
March 22, 1985	Committee recommend bill be concurring in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 26, 1985

Received from House.

March 27, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *130*
2 INTRODUCED BY *Harding* *Poff* *Harmon*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY
5 STANDARDIZE NOTICE REQUIREMENTS RELATING TO THE CONDUCT OF
6 BUSINESS OF LOCAL GOVERNMENT UNITS OTHER THAN
7 MUNICIPALITIES; AMENDING SECTIONS 7-2-2704, 7-2-2756,
8 7-4-2307, 7-5-2301, 7-6-2326, 7-6-2342, 7-6-2605, 7-8-101,
9 7-8-2212, 7-8-2216, 7-8-2302, 7-8-2511, 7-11-228, 7-12-2159,
10 7-13-145, 7-13-208, 7-13-2304, 7-13-2345, 7-14-2706,
11 7-14-2739, 7-14-4630, 7-15-2103, 7-16-2324, 7-21-3422,
12 7-22-2212, 7-22-2446, 7-33-2102, 7-34-2153, 7-34-2157,
13 7-34-2162, 7-35-2102, AND 7-35-2115, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Publication and content of
17 notice. Unless otherwise specifically provided, whenever a
18 local government unit other than a municipality is required
19 to give notice by publication, the following applies:

20 (1) Publication must be in a newspaper meeting the
21 qualifications of subsections (2) and (3), except that in a
22 county where no newspaper meets these qualifications,
23 publication must be made in a qualified newspaper in an
24 adjacent county. If there is no qualified newspaper in an
25 adjacent county, publication must be made by posting the

1 notice in three public places in the county, designated by
2 resolution of the governing body.

3 (2) The newspaper must be:

4 (a) of general paid circulation with a second-class
5 mailing permit;

6 (b) published at least once a week; and

7 (c) published in the county where the hearing or other
8 action will take place.

9 (3) In the case of a contract award, the newspaper
10 must have been published continuously in the county for the
11 12 months preceding the awarding of the contract.

12 (4) If a person is required by law or ordinance to pay
13 for publication, the payment must be received before the
14 publication may be made.

15 (5) The notice must be published twice, with at least
16 6 days separating publication. The first publication must be
17 no more than 21 days prior to the action and the last no
18 less than 3 days prior to the action.

19 (6) The published notice must contain:

20 (a) the date, time, and place of the hearing or other
21 action;

22 (b) a brief statement of the action to be taken;

23 (c) the address and telephone number of the person who
24 may be contacted for further information on the action to be
25 taken; and

(d) any other information required by the specific section requiring notice by publication.

(7) A published notice required by law may be supplemented by a radio or television broadcast of the notice in the manner prescribed in 2-3-105.

NEW SECTION. Section 2. Mail notice. (1) Unless otherwise specifically provided, whenever a local government unit other than a municipality is required to give notice of a hearing or other official act by mail, the requirement may be met by:

(a) deposit of the notice, properly addressed, in the United States mail with postage paid at the first-class rate;

(b) sending the notice by certified mail rather than first class; or

(c) mailing the notice at the bulk rate instead of first class if notice is to be given by mail to all electors or residents of the affected local government unit.

(2) The notice shall contain:

(a) the date, time, and place of the hearing or other action;

(b) a brief statement of the action to be taken;

(c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and

(d) any other information required by the specific section requiring mail notice.

(3) When notice by mail is required, the requirement applies only to persons whose addresses are known.

Section 3. Section 7-2-2704, MCA, is amended to read: "7-2-2704. Hearing on petition by county commissioners -- notice. (1) Whenever any such petition is presented to the board of county commissioners of a county with a certificate of the election administrator attached thereto and showing that the petition has been signed by not less than 35% of the registered electors of the county whose names appear upon the registration records of the county, as provided in 7-2-2702 and 7-2-2703, the board shall, immediately upon presentation of the petition, make and enter an order in its minutes fixing a day for considering and taking final action on the petition. The date for final action shall be not less than 30 or more than 35 days after the date when the order is made.

(2) The board shall cause a notice to be published in the official newspaper of the county as provided in [section 1] to the effect that the petition has been presented to the board asking for the abandonment and abolishment of the county and that ~~the board will meet at the time specified in the order for considering and taking final action on the petition, at which time~~ any registered electors of the

1 county interested therein may appear and be heard thereon.
 2 ~~The notice shall be published once a week for two successive~~
 3 ~~weeks immediately following the making of the order."~~

4 Section 4. Section 7-2-2756, MCA, is amended to read:

5 "7-2-2756. Sale of acquired real property. (1) No real
 6 estate may be sold by the board of county commissioners
 7 unless the property has been appraised within 1 year
 8 immediately prior to the date of sale by three taxpayers who
 9 reside within the territory of the abandoned and abolished
 10 county and who were appointed by the judge of the district
 11 court to which the county is attached, on petition of the
 12 board of such county. Every sale of real estate shall be
 13 made at public sale, and notice shall be published in--the
 14 ~~official--newspaper of the county once a week for at least 2~~
 15 ~~weeks immediately prior to the date for holding the same~~ as
 16 provided in [section 1]. No such real estate shall be sold
 17 for a price less than 90% of the appraised value thereof.

18 (2) The full purchase price of any real estate so sold
 19 shall not be required to be made in one payment; but the
 20 purchaser thereof may pay the same in four installments, the
 21 first of which shall be not less than 25% of the purchase
 22 price, to be paid at the time of purchase, with the
 23 remainder to be paid in three equal annual installments with
 24 interest thereon at not less than 5% per annum. Whenever
 25 the purchase price of any real estate is to be paid in

1 installments, the board shall enter into a contract with the
 2 purchaser thereof, and such contract shall be recorded in
 3 the office of the county clerk. When payment in full has
 4 been made for real estate, the chairman of the board shall
 5 execute and deliver the proper bill of sale or deed to the
 6 purchaser or his successor in interest.

7 (3) All real estate sold, with any improvements
 8 thereon, shall be subject to assessment and taxation
 9 annually to the purchaser or his successor in interest at a
 10 value equal to the amount paid on the purchase price thereof
 11 until the purchase price is fully paid, when such real
 12 estate shall be assessed at its full cash value. Any and all
 13 improvements placed on any such real estate after its
 14 purchase shall be subject to assessment and taxation at the
 15 full cash value thereof."

16 Section 5. Section 7-4-2307, MCA, is amended to read:

17 "7-4-2307. Notice of hearing. (1) The county clerk or
 18 clerks shall cause notice of the hearing required by
 19 7-4-2306 to be published one-time in the official--newspaper
 20 of--the--county,--which publication must be at least 10 days
 21 before the date--set--for--said--hearing,--if--there--is--no
 22 newspaper--of--general--circulation printed and published in
 23 said county,--then such notice must be posted by--the--county
 24 clerk--or--clerks,--at least 10 days before the date set for
 25 such hearing, in--three--public--places--in--the--county--or

counties as provided in [section 1].

(2) Said notice shall either contain a copy of said petition, with the signatures omitted, or a copy of the resolution of intent passed by the board or boards of county commissioners and shall state the time and place fixed for hearing the same and that on such hearing, any taxpayer of the county may appear and be heard in support of or in opposition to said petition."

Section 6. Section 7-5-2301, MCA, is amended to read:

"7-5-2301. Competitive, advertised bidding required for certain large purchases or construction contracts. (1) Except as provided in 7-5-2304, no contract for the purchase of any vehicle, road machinery, or other machinery, apparatus, appliances, or equipment or for any materials or supplies of any kind for which must be paid a sum in excess of \$10,000 or for the construction of any building, road, or bridge for which must be paid a sum in excess of \$10,000 or for the repair or maintenance of any building, road, or bridge for which must be paid a sum in excess of \$25,000 shall be entered into by a county governing body without first publishing a notice calling for bids for furnishing the same.

(2) The notice must be published in the official newspaper of the county at least once a week for 3 consecutive weeks before the date fixed therein for

receiving bids as provided in [section 1].

(3) Every such contract shall be let to the lowest and best responsible bidder."

Section 7. Section 7-6-2326, MCA, is amended to read:

"7-6-2326. Transfer of cash balance in fund at close of fiscal year. (1) After a public hearing, if the cash balance remaining at the end of a fiscal year in any of the several county funds except the school fund, exceeds the amount to be budgeted to that fund, the excess may be transferred to other funds as the county commissioners consider to be in the best interest of the county.

(2) Notice of the hearing must be given not less than 30 days prior to the hearing by publication in a newspaper of general circulation in the county and by posting in five public places. The notice must state the date, time, and place of the hearing as provided in [section 1] and must state generally the purpose and proposed use of the funds."

Section 8. Section 7-6-2342, MCA, is amended to read:

"7-6-2342. Procedure to make expenditures and incur liabilities in case of other emergencies. (1) In a public emergency other than those described in 7-6-2341 and which could not reasonably have been foreseen at the time of making the budget, the board of county commissioners, by unanimous vote of the members present at any meeting (the time and place of which all the commissioners shall have had

1 reasonable notice), shall adopt and enter upon their minutes
2 a resolution stating the facts constituting the emergency
3 and the estimated amount of money required to meet the
4 emergency.

5 (2) The board shall publish the resolution, together
6 with a notice as provided in [section 1] that a public
7 hearing will be held on the resolution ~~at the time and place~~
8 ~~designated in the notice, once in the official newspaper of~~
9 ~~the county and if there is none, then in a newspaper of~~
10 ~~general circulation in the county. The hearing may not be~~
11 ~~less than 1 week after the date of publication.~~

12 (3) Any taxpayer or resident of the county may appear
13 at the hearing and be heard for or against the expenditure
14 of money for the alleged emergency.

15 (4) (a) Upon the conclusion of the hearing, if the
16 commissioners approve the emergency expenditure, they shall
17 make and enter upon their official minutes, by unanimous
18 vote of all of the members of the board present at the
19 meeting, an order setting forth the facts constituting the
20 emergency, together with the amount of expenditure
21 authorized therefor by them. Subject to the limitations of
22 subsection (4)(b), the order is lawful authorization for
23 them to expend such amount, but no more, for such purpose.

24 (b) No expenditure may be made or liability incurred
25 pursuant to the order until 5 days, exclusive of the day of

1 entry of the order, elapse."

2 Section 9. Section 7-6-2605, MCA, is amended to read:

3 "7-6-2605. Call for payment of warrants drawing
4 interest. (1) When there is sufficient money to pay the
5 warrants drawing interest, the treasurer must give notice ~~in~~
6 ~~some newspaper published in his county or, if none is~~
7 ~~published, then by written notice posted upon the courthouse~~
8 ~~door, stating therein as provided in [section 1] that he is~~
9 ready to pay such warrants.

10 (2) In advertising warrants under the provisions of
11 this section in any newspaper, the treasurer must not
12 publish the warrants in detail but give notice only that
13 county warrants presented for payment prior to such date,
14 stated in the notice are payable. When only a part of the
15 warrants presented for payment on the same day are payable,
16 the treasurer must designate such payable warrants in the
17 advertisement.

18 (3) Such warrants cease to draw interest from the
19 first publication or posting of such notice.

20 (4) (a) If such warrants be not re-presented for
21 payment within 60 days from the time the notice hereinbefore
22 provided for is given, the fund set aside for the payment of
23 the same must be applied by the treasurer to the payment of
24 unpaid warrants next in order of registry.

25 (b) The board of county commissioners may, on

1 application and presentation of warrants, properly endorsed,
2 which have been advertised, pass an order directing the
3 treasurer to pay them out of any money in the treasury not
4 otherwise appropriated."

5 Section 10. Section 7-8-101, MCA, is amended to read:

6 "7-8-101. Authorization to transfer property between
7 certain governmental entities. (1) A county, upon first
8 passing a resolution of intent to do so and upon giving
9 notice of such intent by publication ~~once-a-week-for-3-weeks~~
10 ~~in-a-newspaper-published-in-such-city,-town,-or-county-in~~
11 ~~which--located~~ as provided in [section 1], shall have power
12 to sell or trade to any city, town, or political
13 subdivision, as the interests of its inhabitants require,
14 any property, however held or acquired, which is not
15 necessary for the conduct of the county business, without an
16 ordinance, public notice, public auction, bids, or
17 appraisal. Proceeds, if any, shall be distributed according
18 to law. Such transactions shall be made by resolution of the
19 county commissioners involved and entered in the minutes of
20 the regular or special meetings.

21 (2) A city or town, upon first passing a resolution of
22 intent to do so and upon giving notice of such intent by
23 publication once a week for 3 weeks in a newspaper published
24 in such city or town or county in which located, shall have
25 power to sell or trade to any county or political

1 subdivision, as the interests of its inhabitants require,
2 any property, however held or acquired, which is not
3 necessary for the conduct of the city or town business,
4 without an ordinance, public notice, public auction, bids,
5 or appraisal. Proceeds, if any, shall be distributed
6 according to law. Such transactions shall be made by
7 resolution of the councils or commissions involved and
8 entered in the minutes of the regular or special meetings.

9 (3) (a) A county shall have power to trade with or
10 purchase from any city, town, or political subdivision such
11 property without an appraisal of the property traded or
12 purchased.

13 (b) A city or town shall have power to trade with or
14 purchase from any county or political subdivision such
15 property without an appraisal of the property traded or
16 purchased."

17 Section 11. Section 7-8-2212, MCA, is amended to read:

18 "7-8-2212. Notice of sale and public auction required
19 for certain sales. Unless otherwise provided, if the real or
20 personal property sought to be sold is reasonably of a value
21 in excess of \$2,500, the sale shall be at public auction at
22 the courthouse door after previous notice given by
23 publication ~~in-a-newspaper-published--in--said--county--The~~
24 ~~notice-shall-be-published-once-a-week-for-4-successive-weeks~~
25 ~~and--posted--in-five-public-places-in-the-county~~ as provided

1 in [section 1]."

2 Section 12. Section 7-8-2216, MCA, is amended to read:

3 "7-8-2216. Sale of county property to school district.

4 (1) The board of county commissioners shall have the power
5 to sell directly to the school district, without the
6 necessity of a public auction, any real or personal
7 property, however acquired, belonging to the county and
8 which is not necessary to the conduct of the county's
9 business or the preservation of its property, for its
10 appraised value, which shall represent a fair market value
11 of such property.

12 (2) If the property to be sold to the school district
13 is reasonably of a value in excess of \$2,500, notice of the
14 sale shall be given by publication in a newspaper in said
15 county. ~~The notice shall be published once a week for 4~~
16 ~~successive weeks and posted in five public places in the~~
17 county as provided in [section 1]."

18 Section 13. Section 7-8-2302, MCA, is amended to read:

19 "7-8-2302. Notice of sale of tax-deed lands. (1)

20 ~~Thirty days~~ Notice of the sale provided for in
21 7-8-2301 shall be given by publication in a newspaper
22 ~~printed in the county. Such notice shall be published once a~~
23 ~~week for 3 consecutive weeks~~ as provided in [section 1] and
24 shall also be posted in at least three public places in the
25 county.

1 (2) Posted and published notice shall be signed by the
2 county clerk, and one notice may include a list of all lands
3 to be sold, the appraised value of the same, and the time
4 and place of sale. The fair market value as determined
5 under 7-8-2301 shall be stated in the notice of sale."

6 Section 14. Section 7-8-2511, MCA, is amended to read:

7 "7-8-2511. Procedure for sale of county lands. (1) The
8 board shall make an order for public auction of any lands
9 classified for sale. Such sale shall be held at the front
10 door of the county courthouse.

11 (2) Notice of the sale shall be given by publishing a
12 ~~notice in a newspaper published in the county once a week~~
13 ~~for 3 consecutive weeks preceding the date fixed for the~~
14 ~~sale. The first publication of the notice shall be made not~~
15 ~~more than 30 days prior to the sale date. If there is no~~
16 ~~newspaper published in the county, the notice shall be given~~
17 ~~by posting copies at three of the most public places in the~~
18 ~~county at least 20 days but not more than 30 days preceding~~
19 ~~the sale date as provided in [section 1].~~ The notices
20 notice shall describe the land to be sold and the appraised
21 value thereof.

22 (3) No sale may be made for less than the appraised
23 value of the land, as fixed by the board. The sale shall be
24 for cash or on such terms as the board may approve provided
25 at least 20% of the purchase price shall be paid in cash.

(4) The lessee, permittee, or licensee of any of the lands then subject to a lease, permit, or license shall have a preference to purchase the lands at an amount equal to that bid by the highest bidder at the sale."

Section 15. Section 7-11-228, MCA, is amended to read:

"7-11-228. Public hearings on proposed program -- notice. Notice of hearings shall be published ~~once-each-week for-at-least-2-weeks-preceding-a-hearing-in-at-least-one newspaper-of-general-circulation-in-the-county-The notice shall-state-the-time-and-place-of-the-hearing as provided in [section 1].~~"

Section 16. Section 7-12-2159, MCA, is amended to read:

"7-12-2159. Notice of resolution for levy and assessment of tax -- protest and hearing. (1) A notice, signed by the county clerk and stating that the resolution levying a special assessment to defray the cost of making the improvements is on file in the office of the county clerk and is subject to inspection, shall be published ~~at least-once-in-a-newspaper-published-nearest-to-where-the special-improvement-is-to-be-made as provided in [section 1].~~

(2) The notice shall state the time at and place in which objections to the final adoption of the resolution will be heard by the board of county commissioners. The time

for the hearing may not be less than 5 days after the second publication of the notice."

Section 17. Section 7-13-145, MCA, is amended to read:

"7-13-145. Hearing and notice on tax levy for operation and maintenance. (1) Not less than 30 days prior to the date of making the levy for operation and maintenance of the system, the county commissioners will hold a public hearing on the resolution.

(2) Notice clearly setting forth the subject matter of the hearing ~~and-the-date-and-place--thereof--will~~ must be given by the commissioners by publication ~~in-a-newspaper published-and-circulated-in-the-county-wherein-the--district is--located--once--a--week--for--3-consecutive-weeks--The as provided in [section 1], and notice shall~~ must also be posted in three public places within the district."

Section 18. Section 7-13-208, MCA, is amended to read:

"7-13-208. Notice of resolutions of intention and concurrence -- hearing. (1) The commissioners must give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and a notice describing the general characteristics of the collection system and proposed fees to be charged for the service, designating the time and place where the commissioners will hear and pass upon protests made against the operation of the proposed district and stating that a description of the

boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice shall be published in the newspaper published nearest to the place where the proposed district is to be created for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper as provided in [section 1] and shall also be posted in three public places within the boundaries of the proposed district.

(3) A copy of the notice shall be mailed by first-class mail as provided in [section 2] to every person, firm, or corporation having real property within the proposed district listed upon the last completed assessment list for county taxes the same day the notice is first published."

Section 19. Section 7-13-2304, MCA, is amended to read:

"7-13-2304. Notice of intention to levy tax. (1) When the written estimate of the amount of money required has been delivered to the board of county commissioners, said board shall give notice of its intention to levy and collect a tax sufficient for the payment thereof.

(2) Such notice shall be given:

(a) by posting notice thereof in five public places within the county and within the boundaries of the lands upon which the tax is to be levied;

(b) by publishing a copy of the notice once each week for 2 consecutive weeks in a newspaper published in each county wherein the district is located as provided in [section 1]; and

(c) by forwarding, by regular first-class mail or registered or certified mail as provided in [section 2] at least 10 days prior to the hearing provided for in 7-13-2306(4), a copy of the notice addressed to the owners and the purchasers under contracts for deed of taxable real property within the district as shown by the current assessment book on file in the office of the assessor of the county or counties the boundaries of which include taxable real property of the district."

Section 20. Section 7-13-2345, MCA, is amended to read:

"7-13-2345. Hearing and notice on petition to exclude land. (1) Upon the filing of such petition with the secretary of the district, he shall call a meeting of the board of directors of the district at a time not less than 25 days or more than 50 days after the filing of the petition and cause a notice of the filing of such petition to be published once each week for 2 consecutive weeks in a newspaper of general circulation published in each county in which the district is situated as provided in [section 1]. Such notice shall also state the date of the filing of such

petition and that the same will come on for hearing before the board of directors of the district ~~and shall state the time of the hearing and the place thereof.~~

(2) Any landowner or taxpayer within the district shall have the right to appear at said hearing, either in behalf of or in opposition to the granting of said petition. Said petition shall come on for hearing before the board of directors of the district at the time and place specified in the notice of hearing.

(3) (a) Except as provided in subsection (3)(b), the place of the hearing shall be the regular meeting place of the board of directors of the district.

(b) The board may adjourn the hearing to a more convenient meeting place within the district."

Section 21. Section 7-14-2706, MCA, is amended to read:

"7-14-2706. Notice of meeting. ~~{1}~~ The county clerk shall immediately notify the county road superintendent of the meeting and shall cause a notice thereof to be printed in the newspaper published nearest to the vicinity of the road. ~~The notice shall be published for 3 consecutive weeks prior to the time of the meeting as provided in [section 1].~~

~~{2}~~ The notice shall state the time and place of the meeting and in general terms the kind of construction or improvement sought and the place of beginning, intermediate

points, and termination."

Section 22. Section 7-14-2739, MCA, is amended to read:

"7-14-2739. Notice of preparation of assessment roll. As soon as the assessment roll is reported and filed, the board shall publish notice ~~for 3 consecutive weeks in the newspapers in which notice of invitations for bids for the contract was published~~ as provided in [section 1]. The notice shall notify all persons interested that the assessment roll has been filed and require them to appear at the office of the board at the county seat at a time not less than 15 days from the date of the last publication of the notice to make objections."

Section 23. Section 7-14-4630, MCA, is amended to read:

"7-14-4630. Notice for bids to lease parking facility. (1) The notice required by 7-14-4629(1) shall consist of the publication of a notice as provided in [section 1] inviting bids, ~~with two or more insertions thereof, not less than 5 days apart, in a newspaper of general circulation printed and published in such city or city and county. The publication shall be commenced not less than 15 days prior to the date set in the notice for the opening of bids. If there be no newspaper of general circulation printed or published therein, notice shall be given by posting copies~~

of-said-notice-inviting-bids-in-at-least-three-public-places
in--the--city-or-city-and-county-not-less-than-15-days-prior
to-the-date-set-in-the-notice-for-the-opening-of-bids.

(2) Such notice shall distinctly and specifically
describe the project and the facilities in connection
therewith which are to be leased, the period of time for
which said project is to be leased, and the minimum rental
to be paid under such lease."

Section 24. Section 7-15-2103, MCA, is amended to
read:

"7-15-2103. Notice of hearing on petition. The notice
required by 7-15-2102 shall be given at the county's expense
by publishing a notice at-least-10-days-preceding-the-day-on
which-the-hearing-is-to-be-held, in--a--newspaper--having--a
general--circulation--in--the-county-or, if there be no such
newspaper, by posting such a notice in at-least-three-public
places-within-the-county-at-least-10-days-preceding-the--day
on--which--the-hearing-is-to-be-held as provided in [section
11]."

Section 25. Section 7-16-2324, MCA, is amended to
read:

"7-16-2324. Sale, lease, or exchange of dedicated park
lands. (1) For the purposes of this section and part 25 of
chapter 8, lands dedicated to the public use for park or
playground purposes under 76-3-606 and 76-3-607 or a similar

statute or pursuant to any instrument not specifically
conveying land to a governmental unit other than a county
are considered county lands.

(2) A county may not sell, lease, or exchange lands
dedicated for park or playground purposes except as provided
under this section and part 25 of chapter 8.

(3) Prior to selling, leasing, or exchanging any
county land dedicated to public use for park or playground
purposes, a county shall:

(a) compile an inventory of all public parks and
playgrounds within the county;

(b) prepare a comprehensive plan for the provision of
outdoor recreation and open space within the county;

(c) determine that the proposed sale, lease, or
exchange furthers or is consistent with the county's outdoor
recreation and open space comprehensive plan;

(d) publish notice as provided in [section 1] of
intention to sell, lease, or dispose of such lands, giving
the people of the county opportunity to be heard regarding
such action;

(e) if the land is within an incorporated city or
town, secure the approval of the governing body thereof for
the action; and

(f) comply with any other applicable requirements
under part 25 of chapter 8.

(4) Any revenue realized by a county from the sale, exchange, or disposal of lands dedicated to public use for park or playground purposes shall be paid into the park fund and used in the manner prescribed in 76-3-606 and 76-3-607 for cash received in lieu of dedication."

Section 26. Section 7-21-3422, MCA, is amended to read:

"7-21-3422. Notice of intention to create fair district -- hearing. Notice of the resolution of intent to create a fair district shall be published ~~in two regular weekly issues of a newspaper in the county, setting forth the date on which~~ as provided in [section 1], stating that a hearing shall be had on the resolution by the taxpayers and residents of the county and ~~at which time~~ that objections will be heard."

Section 27. Section 7-22-2212, MCA, is amended to read:

"7-22-2212. Notice of hearing. Upon setting a date for the hearing, the governing body shall give notice of the hearing in the following manner:

(1) notice is to be sent by certified mail to each owner of land within the proposed district at the last-known address as shown in the county records;

(2) notice is to be posted in at least three public places within the proposed district; and

(3) notice is to be published ~~in at least two issues of a newspaper of general circulation in the proposed district, with at least 7 days between publication, and the first publication must be at least 10 days before the hearing date~~ as provided in [section 1]."

Section 28. Section 7-22-2446, MCA, is amended to read:

"7-22-2446. Hearing on petition for dissolution -- notice. Upon the filing of a petition for dissolution, the board of county commissioners shall set a time for hearing the petition and shall cause notice thereof to be mailed as provided in [section 2] to all nonresident property owners and purchasers under contracts for deed within the district whose addresses are known, to be posted in at least three public places within the district, and to be published ~~at least once in the official newspaper of the county published in the district, the posting and publication to be at least 10 days before the date of hearing~~ as provided in [section 1]. Whenever the district is partly in one county and partly in another county, notice must be posted in each county, but posting need not be in three places in each county, and notice must be published in ~~the official newspaper of each county.~~"

Section 29. Section 7-33-2102, MCA, is amended to read:

"7-33-2102. Notice of hearing. The board shall, within 10 days after the receipt of the petition, give notice of the hearing thereof at least 10 days prior to the hearing:

(1) by mailing a copy of the notice by-first-class mail as provided in [section 2] to each freeholder in the district at the address shown in the assessment roll;

(2) by causing notices of the time and place of such hearing to be posted in at least three of the most public places within the area proposed to be established as a fire district; and

(3) by publishing the notice ~~at-least-once,--not--less than--10--or--more--than--20--days--prior-to-the-time-of-the hearing,--in-a-newspaper-regularly-published-in-the-county-in which-such-proposed-district--is--situated~~ as provided in [section 1]."

Section 30. Section 7-34-2153, MCA, is amended to read:

"7-34-2153. Hearing on petition for annexation -- notice. (1) At the first regular meeting after the presentation of said petition, said board of county commissioners shall cause notice of said petition to be ~~published in two successive issues of a newspaper--published in--the--county~~ as provided in [section 1] prior to the date fixed by said board for the hearing of said petition, which date shall be not less than 4 weeks after the filing of such

petition.

(2) Upon the date fixed for such hearing or continuance thereof, said board shall take up and consider said petition and any objections which may be filed to the inclusion of any additional area or territory in said district."

Section 31. Section 7-34-2157, MCA, is amended to read:

"7-34-2157. Hearing on petition for withdrawal -- notice. (1) The board of county commissioners shall, upon the filing of such a petition, fix a time for the hearing of such withdrawal petition, which time shall not be more than 4 weeks after the receipt thereof.

(2) Any interested person may appear at said hearing and present objections to the withdrawal of said portion from said district.

(3) The board shall ~~at--least-2-weeks-prior-to-the time-so-fixed,~~ publish a notice of such hearing ~~in--two successive--issues-of-a-newspaper-published-in-the-county~~ as provided in [section 1]."

Section 32. Section 7-34-2162, MCA, is amended to read:

"7-34-2162. Hearing on petition for dissolution -- notice. Upon the filing of such petition, the board of county commissioners shall set a time for hearing the same

and shall cause notice thereof to be posted in at least three separate public places within said district for at least 2 weeks prior to the hearing. The notice shall also be published ~~for at least two successive issues in a newspaper published in the county prior to such hearing~~ as provided in [section 1]."

Section 33. Section 7-35-2102, MCA, is amended to read:

"7-35-2102. Notice of hearing on creation of district.

(1) The board of county commissioners shall cause notice to be given of the time and place of said hearing by publication as ~~prescribed by law for not less than 2 weeks prior to the time of said hearing~~ provided in [section 1].

(2) Said notice shall state that any person residing in or owning property within said proposed district or within any existing cemetery district, any part of the territory of which is described in said petition, may appear before said board at the hearing and show cause why the district should not be created or the proposed boundaries changed."

Section 34. Section 7-35-2115, MCA, is amended to read:

"7-35-2115. Notice and hearing on alteration of boundaries. (1) At the first regular meeting after the presentation of said petition, said board of county

commissioners shall cause notice of said petition to be published ~~according to law for 2 weeks prior to the date to be fixed by said board for the hearing of said petition~~ as provided in [section 1].

(2) Upon the date fixed for such hearing or continuance thereof, said board shall take up and consider said petition and any objections which may be filed to the inclusion of any property in said district.

(3) Said board shall have the power, by order entered on its minutes, to grant said petition either in whole or in part and to alter the boundaries of said public cemetery district and to annex thereto all or such portion of said territory described in said petition as will be benefited thereby."

NEW SECTION. Section 35. Codification instruction. Sections 1 and 2 are intended to be codified as an integral part of Title 7, and the provisions of Title 7 apply to sections 1 and 2.

NEW SECTION. Section 36. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

January 29, 1985

The seventh meeting of the Local Government Committee was called to order at 1:00 p.m. on January 29, 1985 by Vice Chairman John Mohar in Room 405 of the Capitol Building.

ROLL CALL: All members were present. Chairman Fuller was presenting a bill to another committee and arrived at the meeting later.

CONSIDERATION OF SENATE BILL 130: Senator Ethel Harding, District #25, is the sponsor of this bill. It was introduced to generally standardize notice requirements relating to the conduct of business of local government units other than municipalities.

PROPOSERS

Sue Bartlett, Lewis and Clark County Clerk and Recorder, representing the Montana Association of Clerk and Recorders, spoke in favor of the bill. She feels the bill will make the process of advertising notices a much less complicated procedure.

Mike Stephen, representing the Montana Association of Clerk and Recorders, spoke in favor of the bill. He stated the bill would streamline the ability of the clerk and recorder to operate efficiently. He proposed that the bill be amended to contain an effective date of July 1. The bill does not contain an effective date at this time.

OPPOSERS

Mike Meloy, representing the Montana Press Association, spoke in opposition to the bill. He feels there is good reason for the different types of notices; that some types of action require only one notice but others require more than one. He also stated that, while the purpose of the bill is to standardize all notices, some of the provisions are covered by this bill and some are not.

Questions from the Committee were called for.

Senator Regan asked Mr. Stephen why he proposed to make the effective date of the bill July 1. Mr. Stephen explained that it was just a matter of consistency with the fiscal year.

January 29, 1985

Senator Harding stated that she agreed that any provisions that were left out of the bill should be included as the purpose of the bill was to standardize all notices. She emphasized that the bill does not include municipalities and provisions covering municipalities were not intended to be included in the bill.

Senator Story stated he shares Mr. Meloy's concerns about different types of actions requiring different types of notices.

Senator Harding explained that all parties involved are sent some type of certified or registered mail notifying them of action to be taken besides being informed through advertising. The advertising is not the only method of notification to the parties involved.

Senator Fuller asked Mr. Meloy if he was comfortable that the bill is in compliance with the law. Mr. Meloy stated he felt the requirement for different types of notices was originally set up for a purpose. He feels there are some cases where it is more important to give more than one notice.

Senator Harding feels that, in more important cases, people are getting plenty of notice. She explained that, if the bill were to pass, it would standardize the number of notices to two.

The hearing was closed on SB 130.

CONSIDERATION OF SENATE BILL 140: Senator Chris Christiaens, District #17, is the sponsor of this bill. The bill was introduced to increase the amount of single-purpose county indebtedness authorized without a vote to \$500,000 from \$150,000.

PROPONENTS

A letter supporting Senate Bills 126, 130, 140, and 170, was submitted by the Missoula County Commissioners. The letter is attached as Exhibit A to these minutes.

Gordon Morris, representing the Montana Association of Counties, spoke in favor of the bill. He stated that the amount of one hundred fifty thousand now in the bill is a barrier to sound fiscal management. He said the Infrastructure Task Force has made several recommendations to expand the flexibility regarding the limits now imposed on county governments. He said the bill is supported by all fifty two members of the Montana Association of Counties.

Mort McBain, Administrative Officer for Yellowstone County, stated that the Yellowstone County Commissioners are in support of the bill. He feels the current dollar amount is not keeping pace with the economy and restricts the ability of county commissioners to manage in an effective manner.

LOCAL GOVERNMENT

COMMITTEE

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985Date 1-29-85

NAME	PRESENT	ABSENT	EXCUSED
13 Senator Crippen, Bruce	/		
18 Senator Eck, Dorothy	/		
11 Senator Harding, Ethel	/		
47 Senator Hirsch, Les	/		
4 Senator McCallum, George	/		
28 Senator Mohar, John (V.Chair)	/		
44 Senator Pinsoneault, Dick	/		
19 Senator Regan, Pat	/		
21 Senator Story, Pete	/		
43 Senator Fuller, Dave (Chair)	/		

Each day attach to minutes.

MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802
(406) 721-5700

BCC-85-055
January 28, 1985

LOCAL GOVERNMENT COMMITTEE
JANUARY 29, 1985
EXHIBIT A

Senator Dave Fuller, Chairman
Senate Local Government Committee
Montana State Senate
Capitol Station
Helena, Montana 59624

Dear Senator Fuller:

We are writing to give our comments on four bills that are scheduled to be heard in the Senate Local Government Committee on Tuesday, January 29, 1985.

SENATE BILL 126

We are strongly in support of this bill, which would allow us the flexibility to transfer budget authority among personnel, operations and capital expenditures. County road funds already have this authority, and we believe that the same authority should be extended to all County departments. This is a reform that is long overdue. The usefulness of this provision of law in restricting County Commissioners perhaps had a purpose in the distant past, but in today's world of sophisticated budgeting and accounting and the ability of computerized accounting systems to maintain accurate records of all budgets and expenditures, there can be no reason for this restriction.

Passage of this bill would in no way remove from us our responsibility to individually list all capital expenditures, but it would make it possible, if there are savings in personnel or operations, to make capital expenditures in a timely fashion rather than having to wait until the next fiscal year.

Since our county, and virtually all counties, is frugal with its expenditures, and has never exceeded its budgeted expenditure authority, it is our belief that there would be no loss in public accountability, while our ability to flexibly respond to needs would be immeasurably enhanced.

SENATE BILL 130

We support this bill which would standardize notice requirements for the myriad activities in which we are involved. Over the years we have found it very difficult to explain to citizens why one procedure requires one set of notices, while another procedure requires a different one. No doubt many of these differences arise from the specifics of the activity when it was first enacted into law, but over the years, they have all become fairly similar from the citizen's, and from the administrator's, point of view.

It would certainly make life easier for us, and for the people we deal with, if they knew as a matter of course that notice and hearing requirements were pretty much the same for all of the things that they have to deal with us about.

SENATE BILL 170

We are opposed to this bill, since we do not believe that it is in anyone's interest to simply raise the mill levy for county fairs. We believe a much better solution would be passage of Senate Bill 76, the "Consolidated Services Levy," which includes the fair levy as one of the mill levies to be included in the consolidated levy. Our reasoning is as follows: If there is no cap on a mill levy, then there is a presumption on the part of fair boards, managers and proponents of the fair, that the sky is the limit as far as what the Commissioners have the authority to give them.

While we support this kind of authority in principle, in view of the citizens' resentment over increases in property taxes, we believe it is important for all people who have to deal with the County budget to realize that there are indeed limits, and that resources for one County program often have to be weighed against resources for another. The all-purpose levy, while allowing us to raise tax-supported revenue for fairs above the current limit, would allow us to do so only in the context of a levy that has to support a number of other County activities, thereby ensuring that the taxpayers understand that County resources are not inexhaustible, and that difficult choices have to be made.

SENATE BILL 140

We strongly support Senate Bill 140, which would raise the limit to which counties may incur debt without a vote of the people to a more realistic level of \$500,000. With local governments now contemplating the purchase of such items as phone systems, which they never would have even dreamt of purchasing in the past, the old limit of \$150,000 simply is not realistic.

With flexible financing tools, such as municipal leases, now being handled as a routine occurrence, counties now have the financial sophistication to use other sources of financing for small capital projects, rather than simply relying on municipal bonds. Therefore, given that inflation has eroded the \$150,000 limit, and that acquisition of new kinds of capital equipment is becoming almost routine, and that new forms of financing are now available, it only makes sense to pass this bill, and increase our flexibility in being able to make capital purchases.

Sincerely,

MISSOULA BOARD OF COUNTY COMMISSIONERS


Ann Mary Dussault, Chair


Barbara Evans, Commissioner


Bob Palmer, Commissioner

BCC/HS/lr

cc: Missoula County Senators

Gordon Morris, Executive Director

MACo

(Please leave prepared statement with Secretary)

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 7, 1985

The tenth meeting of the Local Government Committee was called to order at 1:00 p.m. on February 7, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL 180: Senator Fred Van Valkenburg, District #30, is the sponsor of this bill. The bill was introduced to change the name of the county preliminary budget to the county proposed budget; change the dates for preparation of a county proposed budget; increase the number of times it must be published; and delete the requirement that it must be transmitted to the Departments of Commerce and Revenue.

PROPOSERS

Joanne Peres, President of the Montana Association of Clerk and Recorders, spoke in favor of the bill. She said that the budget process is in a constant state of flux from June to August and actual cash on hand cannot be figured properly until after June 30. This bill would give plenty of time for budget preparation prior to August.

Don Dooley, representing the Department of Commerce, spoke in favor of the bill. He said the preliminary budget is a planning tool but is often done without using final figures because of the deadline.

OPPOSERS

There were no opponents to SB 180.

Questions from the Committee were called for. There were no questions from the Committee on SB 180.

ACTION TAKEN ON SENATE BILL 180: Senator Pinsoneault moved the Committee recommend a DO PASS on SB 180. The motion passed unanimously.

CONSIDERATION OF SENATE BILL 181: Senator Jack Haffey, District #33, is the sponsor of this bill. The bill was introduced at the request of the Lieutenant Governor's Office. The bill was introduced to generally revise and clarify provisions relating to local government study commissions; provide procedures for handling tie votes and write-in candidates for election to a study commission; provide for appointment of ex officio members; clarify provisions relating to vacancies in office; and provide that recommendations for service consolidations and transfers may be made to the electorate. Senator Haffey submitted proposed amendments to the bill. They are attached as Exhibit A to these minutes.

February 7, 1985

Senator McCallum stated that, if Senator Halligan's bill were adopted, the county commissioners would be able to budget as many mills as they want (up to the fifteen mill level) for parks.

The hearing was closed on SB 204.

FURTHER CONSIDERATION OF SENATE BILL 88: Karen Renne explained the amendments to SB 88 that would require the money contributed by the State, to be returned to the State and, the remainder to go to the subsequent pension fund. The proposed amendments are attached as Exhibit F to these minutes.

Senator Fuller and other senators asked that the bill be amended so that the money contributed by the city would go to the city general fund rather than to the subsequent pension fund.

ACTION TAKEN ON SENATE BILL 88: Senator Crippen moved the proposed amendments as corrected be adopted. The motion passed unanimously.

Senator McCallum suggested that a line be added to direct the State Auditor to find out exactly how much money was contributed by the State.

Senator Eck moved the new amendment as suggested by Senator McCallum be adopted. The motion passed unanimously.

Senator Eck moved the Committee recommend a DO PASS as amended on SB 88. The motion passed unanimously.

FURTHER CONSIDERATION OF SENATE BILL 130: Senator Fuller proposed an amendment to include sheriffs' standard notices in the bill. Karen Renne will prepare the proposed amendment.

Senator Regan moved the Committee adopt a proposed amendment to include an effective date of July 1, 1985, in the bill. The motion passed unanimously.

ACTION TAKEN ON SENATE BILL 127: Senator Regan moved the Committee recommend a DO PASS as amended on SB 127. The motion failed with Senators Mohar, Regan, Crippen, and Eck voting yes and Senators Pinsoneault, Story, McCallum, Hirsch, Fuller, and Harding voting no. The bill was therefore killed. Senator Story will carry the Adverse Committee Report.

FURTHER CONSIDERATION OF SENATE BILL 116: Senator Fuller suggested Karen Renne look into what other county salary bills there are and suggested looking into the possibility of doing one bill regarding base county salaries that would consolidate all of the other bills.

The meeting adjourned at 2:30 p.m.


Senator Dave Fuller, Chairman

LOCAL GOVERNMENT

COMMITTEE

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985Date 02-07-85

NAME	PRESENT	ABSENT	EXCUSED
13 Senator Crippen, Bruce	✓		
18 Senator Eck, Dorothy	✓		
11 Senator Harding, Ethel	✓		
47 Senator Hirsch, Les	✓		
4 Senator McCallum, George	✓		
28 Senator Mohar, John (V.Chair)	✓		
44 Senator Pinsoneault, Dick	✓		
19 Senator Regan, Pat	✓		
21 Senator Story, Pete	✓		
43 Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 12, 1985

The eleventh meeting of the Local Government Committee was called to order at 12:30 p.m. on February 12, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present.

ACTION TAKEN ON SENATE BILL 130: Karen Renne explained the proposed amendments to SB 130 to include sections of the code in the bill that were not originally included. The amendments would standardize all notices at the county level.

Senator Fuller asked about including sheriffs' notices in the bill. Karen Renne said it did not fit in this bill.

Senator Regan moved to strike the proposed amendment including sheriffs' notices (amendment no. 13). The motion passed unanimously.

Senator Regan moved to strike proposed amendment no. 6. The motion passed unanimously.

Senator Story moved to strike proposed amendment no. 10. The motion passed unanimously.

Senator Regan moved the Committee adopt the remaining proposed amendments. The motion passed unanimously.

Senator Mohar moved the Committee recommend a DO PASS on SB 130 as amended. The motion passed unanimously.

FURTHER CONSIDERATION OF SENATE BILL 204: Senator McCallum said Senator Halligan's all purpose mill levy bill had passed. Karen Renne explained that counties would be able to choose to use the all purpose mill levy or this bill. This bill would not be affected by the all purpose mill levy.

The issue with this bill is whether the two mill levy in the bill would be permissive or voted or both.

Senator Eck stated she thought the people could petition for a vote without having to have it specifically written into this bill. She then found in the Code that the people cannot petition for a vote for this purpose.

Senator Regan moved the Committee adopt the proposed amendments of Senator Mazurek to add "cultural facility" to SB 204. The motion passed unanimously.

LOCAL GOVERNMENT

COMMITTEE

49th

LEGISLATIVE SESSION -- 1985

Date 02-12-85

SENATE
SEAT

#

	NAME	PRESENT	ABSENT	EXCUSED
13	Senator Crippen, Bruce	✓		
18	Senator Eck, Dorothy	✓		
11	Senator Harding, Ethel	✓		
47	Senator Hirsch, Les	✓		
4	Senator McCallum, George	✓		
28	Senator Mohar, John (V.Chair)	✓		
4	Senator Pinsoneault, Dick	✓		
19	Senator Regan, Pat	✓		
21	Senator Story, Pete	✓		
43	Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

Page 1 of 5 Pages

February 14

19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

SENATE BILL

having had under consideration..... No. 130

FIRST

WHITE

reading copy ()
color

**PROVIDING STANDARD NOTICE PROVISIONS FOR LOCAL GOV. EXCEPT
CITIES AND TOWNS**

SENATE BILL

Respectfully report as follows: That..... No. 130

1. Title, line 9.
Following: "7-11-228,"
Insert: "7-12-2105,"
2. Title, line 10.
Following: "7-13-208,"
Insert: "7-13-2205,"
Following: "7-13-2345,"
Insert: "7-13-2506,"
3. Title, line 12.
Following: "7-22-2212,"
Insert: "7-22-2406,"
Following: "7-33-2102,"
Insert: "7-34-2107,"

BEST COPY
AVAILABLE

(continued)

XXXXXX
DO PASS

XXXXXXXXXX
DO NOT PASS

CONTINUED

~~XXXXXXXXXXXXXXXXXXXX~~

Chairman.

February 14

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4. Page 15, line 12.

Following: line 11.

Insert: "Section 16. Section 7-12-2105, MCA, is amended to read:

"7-12-2105. Notice of resolution of intention to create district--hearing. (1) Upon having passed the resolution of intention pursuant to 7-12-2103, the board of county commissioners must give publish notice of the passage of such resolution of intention as provided in [section 1].

(2) ~~The notice must be published for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper published nearest to the place where such improvement district is to be created.~~ The board shall also cause a copy of such notice to be posted in three public places within the boundaries of such special improvement district. A copy of such notice shall be mailed as provided in [section 2] to every person, firm, or corporation or the agent of such person, firm, or corporation owning real property within the proposed district listed in his name upon the last completed assessment roll for state, county, and school district taxes, ~~at his last known place of residence, upon the same day such notice is first published or posted.~~

(3) Such notice must describe the general character of the improvement or improvements so proposed to be made or acquired by purchase, state the estimated cost thereof, and designate the time when and the place where the board will hear and pass upon all protests that may be made against the making or maintenance of such improvements or the creation of such district. The notice shall refer to the resolution on file in the office of the county clerk for the description of the boundaries. If the proposal is for the purchase of an existing improvement, the notice shall state the exact purchase price of such existing improvement."

Reamend: subsequent sections

(continued)

CONTINUED

February 14

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19.....

5. Page 17, line 15.

Following: line 14

Insert: "Section 20. Section 7-13-2205, MCA, is amended to read:

"7-13-2205. Notice of petition--hearing required. (1)

The text of the petition referred to in 7-13-2204 shall be published as provided in [section 1] ~~once-each-week-for-2 consecutive-weeks-in-a-newspaper-printed-and-published~~ in every county in which said territory lies together-with-a notice-stating-the-time-of-the-meeting-at-which-case-will-be presented:

(2) ~~The-first-publication-shall-be-at-least-2-weeks before-the-time-at-which-the-petition-is-to-be-presented:~~ When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

~~(3)--With-such-publication-there-shall-be-published-a notice-of-the-time-of-the-meeting-of-the-board-when-such petition-will-be-considered-and-that-all-persons-interested therein-may-then-appear-and-be-heard."~~

Renumber: subsequent sections

6. Page 19, line 15.

Following: line 14

Insert: "Section 23. Section 7-13-2506, MCA, is amended to read:

"7-13-2506. Notice of petition and hearing. Upon receipt of a duly certified petition, the board of county commissioners shall cause the text of the petition to be published as provided in [section 1] ~~once-a-week-for-at least-3-consecutive-weeks-in-a-newspaper-of-general circulation-within-the-county-where-the-petition-is presented.~~ If any portion of the proposed district lies in another county, the petition and notice shall likewise be published in that county. No more than five names attached to the petition shall appear in the publication and notice, but the number of signatures shall be stated. ~~With-the publication-of-the-petition,-there-shall-be-published-a notice-of-the-time-of-the-meeting-of-the-county commissioners-when-the-petition-will-be-considered,-stating that-all-persons-interested-may-appear-and-be-heard."~~

Renumber: subsequent sections

(continued)

CONTINUED

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1985

7. Page 24, line 6.

Following: line 5

Insert: "Section 31. Section 7-22-2406, MCA, is amended to read:

"7-22-2406. Notice of hearing on petition to create district. (1) ~~if addresses are known, the~~ The commissioners shall cause notice of the hearing provided for in 7-22-2403 to be mailed as provided in [section 21] to each nonresident owner and purchaser under contract for deed of taxable real and personal property within the proposed district.

(2) The commissioners shall cause notice to be posted in three public places within the district. Whenever the district is partly in one county and partly in another county, notice must be posted in each county but posting need not be in three places in each county.

(3) The commissioners shall also cause notice to be given of the time and place of the hearing and the methods of objection by publication ~~in a newspaper within or nearest to the district and as provided in [section 1], in each county if the district is partly in one county and partly in another county, in a newspaper in each county, if such newspaper exists. The publication must be for two weekly issues.~~

~~(4) Posting and first publication shall be at least 10 days before the hearing."~~

Renumber: subsequent sections

8. Page 25, line 15.

Following: line 14

Insert: "Section 33. Section 7-34-2107, MCA, is amended to read:

"7-34-2107. Notice of hearing. (1) A notice of the hearing required by 7-34-2106 shall be published ~~in a newspaper having general circulation in the territory within the boundaries of the proposed hospital district once each week for at least 2 weeks, the last publication to be at least 2 weeks before the hearing. If there is no newspaper having general circulation within the boundaries of the proposed hospital district, the notice of hearing shall be posted in at least three public places within the boundaries of the proposed district for 2 weeks before the hearing.~~

(continued)

CONTINUED

February 14

19. 55

~~(2)---The petition shall state the time, date, place, and purpose of the hearing, describe the boundaries of the proposed hospital district, and state that any person residing in or owning property within the proposed hospital district may appear in support of or in opposition to the petition at such hearing as provided in [section 1].~~ *

ReNUMBER: subsequent sections

AND AS AMENDED

DO PASS

Senator Dave Fuller, Chairman

(To be kept current -- post bills when entering being heard or leaving committee.)

Form CS-32

STATUS SHEET

49th

LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

SENATE BILLS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
SB 38	1-14-85	3-12-85	3-14-85						3-14-85
SB 50	1-14-85	3-14-85	3-14-85				3-14-85		
SB 31	1-16-85	3-12-85	3-12-85				3-12-85		
SB 1	1-22-85	3-7-85	3-7-85				3-7-85		
SB 20	1-22-85	3-12-85	3-12-85						3-12-85
SB 92	1-23-85	3-14-85	3-14-85				3-14-85		
SB 94	1-28-85	3-14-85	3-14-85				3-14-85		
SB 102	1-28-85	3-12-85	3-12-85				3-12-85		
SB 25	2-27-85	3-19-85	3-21-85					3-21-85	
SB 76	2-27-85	3-21-85	TABLED 3-21-85						
SB 88	2-27-85	3-23-85	3-13-85				3-23-85		
SB 93	2-27-85	3-14-85	3-14-85				3-14-85		
SB 118	2-27-85	3-19-85	3-19-85						3-19-85
SB 126	2-27-85	3-21-85	3-21-85					3-21-85	
SB 130	2-27-85	3-21-85	3-21-85				3-21-85		
SB 140	2-27-85	3-12-85	3-12-85					3-12-85	

Use a separate sheet for Senate, House Bills, and Resolutions

SENATE BILL NO. 130

INTRODUCED BY HARDING, POFF, HANNAH, REGAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY
STANDARDIZE NOTICE REQUIREMENTS RELATING TO THE CONDUCT OF
BUSINESS OF LOCAL GOVERNMENT UNITS OTHER THAN
MUNICIPALITIES; AMENDING SECTIONS 7-2-2704, 7-2-2756,
7-4-2307, 7-5-2301, 7-6-2326, 7-6-2342, 7-6-2605, 7-8-101,
7-8-2212, 7-8-2216, 7-8-2302, 7-8-2511, 7-11-228, 7-12-2105,
7-12-2159, 7-13-145, 7-13-208, 7-13-2205, 7-13-2304,
7-13-2345, 7-13-2506, 7-14-2706, 7-14-2739, 7-14-4630,
7-15-2103, 7-16-2324, 7-21-3422, 7-22-2212, 7-22-2406,
7-22-2446, 7-33-2102, 7-34-2107, 7-34-2153, 7-34-2157,
7-34-2162, 7-35-2102, AND 7-35-2115, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Publication and content of
notice. Unless otherwise specifically provided, whenever a
local government unit other than a municipality is required
to give notice by publication, the following applies:

(1) Publication must be in a newspaper meeting the
qualifications of subsections (2) and (3), except that in a
county where no newspaper meets these qualifications,
publication must be made in a qualified newspaper in an
adjacent county. If there is no qualified newspaper in an

adjacent county, publication must be made by posting the
notice in three public places in the county, designated by
resolution of the governing body.

(2) The newspaper must be:

(a) of general paid circulation with a second-class
mailing permit;

(b) published at least once a week; and

(c) published in the county where the hearing or other
action will take place.

(3) In the case of a contract award, the newspaper
must have been published continuously in the county for the
12 months preceding the awarding of the contract.

(4) If a person is required by law or ordinance to pay
for publication, the payment must be received before the
publication may be made.

(5) The notice must be published twice, with at least
6 days separating publication. The first publication must be
no more than 21 days prior to the action and the last no
less than 3 days prior to the action.

(6) The published notice must contain:

(a) the date, time, and place of the hearing or other
action;

(b) a brief statement of the action to be taken;

(c) the address and telephone number of the person who
may be contacted for further information on the action to be

THIRD READING
SB 130

1 taken; and

2 (d) any other information required by the specific
3 section requiring notice by publication.

4 (7) A published notice required by law may be
5 supplemented by a radio or television broadcast of the
6 notice in the manner prescribed in 2-3-105.

7 NEW SECTION. Section 2. Mail notice. (1) Unless
8 otherwise specifically provided, whenever a local government
9 unit other than a municipality is required to give notice of
10 a hearing or other official act by mail, the requirement may
11 be met by:

12 (a) deposit of the notice, properly addressed, in the
13 United States mail with postage paid at the first-class
14 rate;

15 (b) sending the notice by certified mail rather than
16 first class; or

17 (c) mailing the notice at the bulk rate instead of
18 first class if notice is to be given by mail to all electors
19 or residents of the affected local government unit.

20 (2) The notice shall contain:

21 (a) the date, time, and place of the hearing or other
22 action;

23 (b) a brief statement of the action to be taken;

24 (c) the address and telephone number of the person who
25 may be contacted for further information on the action to be

1 taken; and

2 (d) any other information required by the specific
3 section requiring mail notice.

4 (3) When notice by mail is required, the requirement
5 applies only to persons whose addresses are known.

6 Section 3. Section 7-2-2704, MCA, is amended to read:
7 "7-2-2704. Hearing on petition by county commissioners

8 -- notice. (1) Whenever any such petition is presented to
9 the board of county commissioners of a county with a
10 certificate of the election administrator attached thereto
11 and showing that the petition has been signed by not less
12 than 35% of the registered electors of the county whose
13 names appear upon the registration records of the county, as
14 provided in 7-2-2702 and 7-2-2703, the board shall,
15 immediately upon presentation of the petition, make and
16 enter an order in its minutes fixing a day for considering
17 and taking final action on the petition. The date for final
18 action shall be not less than 30 or more than 35 days after
19 the date when the order is made.

20 (2) The board shall cause a notice to be published in
21 ~~the-official-newspaper-of-the-county~~ as provided in [section
22 1] to the effect that the petition has been presented to the
23 board asking for the abandonment and abolishment of the
24 county and that ~~the-board-will-meet-at-the-time-specified-in~~
25 ~~the-order-for-considering-and-taking--final--action--on--the~~

petition,--at--which--time any registered electors of the county interested therein may appear and be heard thereon. The--notice--shall-be-published-once-a-week-for-2-successive weeks-immediately-following-the-making-of-the-order."

Section 4. Section 7-2-2756, MCA, is amended to read:

"7-2-2756. Sale of acquired real property. (1) No real estate may be sold by the board of county commissioners unless the property has been appraised within 1 year immediately prior to the date of sale by three taxpayers who reside within the territory of the abandoned and abolished county and who were appointed by the judge of the district court to which the county is attached, on petition of the board of such county. Every sale of real estate shall be made at public sale, and notice shall be published in the official newspaper of the county once a week for at least two weeks--immediately prior to the date for holding the same as provided in [section 1]. No such real estate shall be sold for a price less than 90% of the appraised value thereof.

(2) The full purchase price of any real estate so sold shall not be required to be made in one payment; but the purchaser thereof may pay the same in four installments, the first of which shall be not less than 25% of the purchase price, to be paid at the time of purchase, with the remainder to be paid in three equal annual installments with interest thereon at not less than 5% per annum. Whenever

the purchase price of any real estate is to be paid in installments, the board shall enter into a contract with the purchaser thereof, and such contract shall be recorded in the office of the county clerk. When payment in full has been made for real estate, the chairman of the board shall execute and deliver the proper bill of sale or deed to the purchaser or his successor in interest.

(3) All real estate sold, with any improvements thereon, shall be subject to assessment and taxation annually to the purchaser or his successor in interest at a value equal to the amount paid on the purchase price thereof until the purchase price is fully paid, when such real estate shall be assessed at its full cash value. Any and all improvements placed on any such real estate after its purchase shall be subject to assessment and taxation at the full cash value thereof."

Section 5. Section 7-4-2307, MCA, is amended to read:

"7-4-2307. Notice of hearing. (1) The county clerk or clerks shall cause notice of the hearing required by 7-4-2306 to be published one-time-in-the-official-newspaper of the county,--which-publication-must-be-at-least-10-days before--the--date--set--for--said--hearing,--if--there-is-no newspaper-of-general-circulation-printed--and--published--in said--county,--then-such-notice-must-be-posted-by-the-county clerk-or-clerks,--at-least-10-days-before-the--date--set--for

1 such--hearing--in--three--public--places--in--the--county--or
2 counties as provided in [section 1].

3 (2)--Said--notice--shall--either--contain--a--copy--of--said
4 petition--with--the--signatures--omitted--or--a--copy--of--the
5 resolution--of--intent--passed--by--the--board--or--boards--of--county
6 commissioners--and--shall--state--the--time--and--place--fixed--for
7 hearing--the--same--and--that--on--such--hearing--any--taxpayer--of
8 the--county--may--appear--and--be--heard--in--support--of--or--in
9 opposition--to--said--petition."

10 Section 6. Section 7-5-2301, MCA, is amended to read:

11 "7-5-2301. Competitive, advertised bidding required
12 for certain large purchases or construction contracts. (1)
13 Except as provided in 7-5-2304, no contract for the purchase
14 of any vehicle, road machinery, or other machinery,
15 apparatus, appliances, or equipment or for any materials or
16 supplies of any kind for which must be paid a sum in excess
17 of \$10,000 or for the construction of any building, road, or
18 bridge for which must be paid a sum in excess of \$10,000 or
19 for the repair or maintenance of any building, road, or
20 bridge for which must be paid a sum in excess of \$25,000
21 shall be entered into by a county governing body without
22 first publishing a notice calling for bids for furnishing
23 the same.

24 (2) The notice must be published in--the--official
25 newspaper--of--the--county--at--least--once--a--week--for--3

1 consecutive--weeks--before--the--date--fixed--therein--for
2 receiving--bids as provided in [section 1].

3 (3) Every such contract shall be let to the lowest and
4 best responsible bidder."

5 Section 7. Section 7-6-2326, MCA, is amended to read:

6 "7-6-2326. Transfer of cash balance in fund at close
7 of fiscal year. (1) After a public hearing, if the cash
8 balance remaining at the end of a fiscal year in any of the
9 several county funds except the school fund, exceeds the
10 amount to be budgeted to that fund, the excess may be
11 transferred to other funds as the county commissioners
12 consider to be in the best interest of the county.

13 (2) Notice of the hearing must be given not--less--than
14 30--days--prior--to--the--hearing--by--publication--in--a--newspaper
15 of--general--circulation--in--the--county--and--by--posting--in--five
16 public--places--The--notice--must--state--the--date--time--and
17 place--of--the--hearing as provided in [section 1] and must
18 state generally the purpose and proposed use of the funds."

19 Section 8. Section 7-6-2342, MCA, is amended to read:

20 "7-6-2342. Procedure to make expenditures and incur
21 liabilities in case of other emergencies. (1) In a public
22 emergency other than those described in 7-6-2341 and which
23 could not reasonably have been foreseen at the time of
24 making the budget, the board of county commissioners, by
25 unanimous vote of the members present at any meeting (the

time and place of which all the commissioners shall have had reasonable notice), shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet the emergency.

(2) The board shall publish the resolution, together with a notice as provided in [section 1] that a public hearing will be held on the resolution ~~at the time and place designated in the notice, once in the official newspaper of the county and if there is none, then in a newspaper of general circulation in the county. The hearing may not be less than 1 week after the date of publication.~~

(3) Any taxpayer or resident of the county may appear at the hearing and be heard for or against the expenditure of money for the alleged emergency.

(4) (a) Upon the conclusion of the hearing, if the commissioners approve the emergency expenditure, they shall make and enter upon their official minutes, by unanimous vote of all of the members of the board present at the meeting, an order setting forth the facts constituting the emergency, together with the amount of expenditure authorized therefor by them. Subject to the limitations of subsection (4)(b), the order is lawful authorization for them to expend such amount, but no more, for such purpose.

(b) No expenditure may be made or liability incurred

pursuant to the order until 5 days, exclusive of the day of entry of the order, elapse."

Section 9. Section 7-6-2605, MCA, is amended to read:

"7-6-2605. Call for payment of warrants drawing interest. (1) When there is sufficient money to pay the warrants drawing interest, the treasurer must give notice in ~~some newspaper published in his county or, if none is published, then by written notice posted upon the courthouse door, stating therein as provided in [section 1]~~ that he is ready to pay such warrants.

(2) In advertising warrants under the provisions of this section in any newspaper, the treasurer must not publish the warrants in detail but give notice only that county warrants presented for payment prior to such date, stated in the notice are payable. When only a part of the warrants presented for payment on the same day are payable, the treasurer must designate such payable warrants in the advertisement.

(3) Such warrants cease to draw interest from the first publication or posting of such notice.

(4) (a) If such warrants be not re-presented for payment within 60 days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be applied by the treasurer to the payment of unpaid warrants next in order of registry.

1 (b) The board of county commissioners may, on
2 application and presentation of warrants, properly endorsed,
3 which have been advertised, pass an order directing the
4 treasurer to pay them out of any money in the treasury not
5 otherwise appropriated."

6 Section 10. Section 7-8-101, MCA, is amended to read:

7 "7-8-101. Authorization to transfer property between
8 certain governmental entities. (1) A county, upon first
9 passing a resolution of intent to do so and upon giving
10 notice of such intent by publication ~~once-a-week-for-3-weeks~~
11 ~~in-a-a-newspaper--published-in-such-city,-town,-or-county-in~~
12 ~~which-located~~ as provided in [section 1], shall have power
13 to sell or trade to any city, town, or political
14 subdivision, as the interests of its inhabitants require,
15 any property, however held or acquired, which is not
16 necessary for the conduct of the county business, without an
17 ordinance, public notice, public auction, bids, or
18 appraisal. Proceeds, if any, shall be distributed according
19 to law. Such transactions shall be made by resolution of the
20 county commissioners involved and entered in the minutes of
21 the regular or special meetings.

22 (2) A city or town, upon first passing a resolution of
23 intent to do so and upon giving notice of such intent by
24 publication once a week for 3 weeks in a newspaper published
25 in such city or town or county in which located, shall have

1 power to sell or trade to any county or political
2 subdivision, as the interests of its inhabitants require,
3 any property, however held or acquired, which is not
4 necessary for the conduct of the city or town business,
5 without an ordinance, public notice, public auction, bids,
6 or appraisal. Proceeds, if any, shall be distributed
7 according to law. Such transactions shall be made by
8 resolution of the councils or commissions involved and
9 entered in the minutes of the regular or special meetings.

10 (3) (a) A county shall have power to trade with or
11 purchase from any city, town, or political subdivision such
12 property without an appraisal of the property traded or
13 purchased.

14 (b) A city or town shall have power to trade with or
15 purchase from any county or political subdivision such
16 property without an appraisal of the property traded or
17 purchased."

18 Section 11. Section 7-8-2212, MCA, is amended to read:

19 "7-8-2212. Notice of sale and public auction required
20 for certain sales. Unless otherwise provided, if the real or
21 personal property sought to be sold is reasonably of a value
22 in excess of \$2,500, the sale shall be at public auction at
23 the courthouse door after previous notice given by
24 publication ~~in-a-a-newspaper--published-in-said-county--The~~
25 ~~notice-shall-be-published-once-a-week-for-4-successive-weeks~~

1 and-posted-in-five-public-places-in-the-county as provided
2 in [section 1]."

3 Section 12. Section 7-8-2216, MCA, is amended to read:

4 "7-8-2216. Sale of county property to school district.

5 (1) The board of county commissioners shall have the power
6 to sell directly to the school district, without the
7 necessity of a public auction, any real or personal
8 property, however acquired, belonging to the county and
9 which is not necessary to the conduct of the county's
10 business or the preservation of its property, for its
11 appraised value, which shall represent a fair market value
12 of such property.

13 (2) If the property to be sold to the school district
14 is reasonably of a value in excess of \$2,500, notice of the
15 sale shall be given by publication in-a-newspaper-in-said
16 county.---The-notice-shall-be-published-once-a-week-for-4
17 successive-weeks-and-posted-in-five-public-places-in-the
18 county as provided in [section 1]."

19 Section 13. Section 7-8-2302, MCA, is amended to read:

20 "7-8-2302. Notice of sale of tax-deed lands. (1)

21 ~~Thirty-days-notice~~ Notice of the sale provided for in
22 7-8-2301 shall be given by publication in-a-newspaper
23 ~~printed-in-the-county. Such-notice-shall-be-published-once-a~~
24 ~~week-for-3-consecutive-weeks~~ as provided in [section 1] and
25 shall also be posted in at least three public places in the

1 county.

2 (2) Posted and published notice shall be signed by the
3 county clerk, and one notice may include a list of all lands
4 to be sold, the appraised value of the same, and the time
5 and place of sale. The fair market value as determined
6 under 7-8-2301 shall be stated in the notice of sale."

7 Section 14. Section 7-8-2511, MCA, is amended to read:

8 "7-8-2511. Procedure for sale of county lands. (1) The
9 board shall make an order for public auction of any lands
10 classified for sale. Such sale shall be held at the front
11 door of the county courthouse.

12 (2) Notice of the sale shall be given by publishing a
13 ~~notice in-a-newspaper-published-in-the-county-once-a-week~~
14 ~~for-3-consecutive-weeks-preceding-the-date-fixed-for-the~~
15 ~~sale. The-first-publication-of-the-notice-shall-be-made-not~~
16 ~~more-than-30-days-prior-to-the-sale-date. If-there-is-no~~
17 ~~newspaper-published-in-the-county, the-notice-shall-be-given~~
18 ~~by-posting-copies-at-three-of-the-most-public-places-in-the~~
19 ~~county-at-least-20-days-but-not-more-than-30-days--preceding~~
20 ~~the-sale-date~~ as provided in [section 1]. The notice
21 shall describe the land to be sold and the appraised
22 value thereof.

23 (3) No sale may be made for less than the appraised
24 value of the land, as fixed by the board. The sale shall be
25 for cash or on such terms as the board may approve provided

at least 20% of the purchase price shall be paid in cash.

(4) The lessee, permittee, or licensee of any of the lands then subject to a lease, permit, or license shall have a preference to purchase the lands at an amount equal to that bid by the highest bidder at the sale."

Section 15. Section 7-11-228, MCA, is amended to read:

"7-11-228. Public hearings on proposed program -- notice. Notice of hearings shall be published ~~once each week for at least 2 weeks preceding a hearing, in at least one newspaper of general circulation in the county. The notice shall state the time and place of the hearing as provided in [section 1].~~"

SECTION 16. SECTION 7-12-2105, MCA, IS AMENDED TO READ:

"7-12-2105. Notice of resolution of intention to create district -- hearing. (1) Upon having passed the resolution of intention pursuant to 7-12-2103, the board of county commissioners must give publish notice of the passage of such resolution of intention as provided in [section 1].

(2) ~~The notice must be published for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper published nearest to the place where such improvement district is to be created.~~ The board shall also cause a copy of such notice to be posted in three public places within the boundaries of such special improvement

district. A copy of such notice shall be mailed as provided in [section 2] to every person, firm, or corporation or the agent of such person, firm, or corporation owning real property within the proposed district listed in his name upon the last completed assessment roll for state, county, and school district taxes, ~~at his last known place of residence, upon the same day such notice is first published or posted.~~

(3) Such notice must describe the general character of the improvement or improvements so proposed to be made or acquired by purchase, state the estimated cost thereof, and designate the time when and the place where the board will hear and pass upon all protests that may be made against the making or maintenance of such improvements or the creation of such district. The notice shall refer to the resolution on file in the office of the county clerk for the description of the boundaries. If the proposal is for the purchase of an existing improvement, the notice shall state the exact purchase price of such existing improvement."

Section 17. Section 7-12-2159, MCA, is amended to read:

"7-12-2159. Notice of resolution for levy and assessment of tax -- protest and hearing. (1) A notice, signed by the county clerk and stating that the resolution levying a special assessment to defray the cost of making

the improvements is on file in the office of the county clerk and is subject to inspection, shall be published at least once in a newspaper published nearest to where the special improvement is to be made as provided in [section 1].

(2) The notice shall state the time at and place in which objections to the final adoption of the resolution will be heard by the board of county commissioners. The time for the hearing may not be less than 5 days after the second publication of the notice."

Section 18. Section 7-13-145, MCA, is amended to read:

"7-13-145. Hearing and notice on tax levy for operation and maintenance. (1) Not less than 30 days prior to the date of making the levy for operation and maintenance of the system, the county commissioners will hold a public hearing on the resolution.

(2) Notice clearly setting forth the subject matter of the hearing and the date and place thereof will must be given by the commissioners by publication in a newspaper published and circulated in the county wherein the district is located once a week for 3 consecutive weeks. The as provided in [section 1], and notice shall must also be posted in three public places within the district."

Section 19. Section 7-13-208, MCA, is amended to read:

"7-13-208. Notice of resolutions of intention and

concurrence -- hearing. (1) The commissioners must give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and a notice describing the general characteristics of the collection system and proposed fees to be charged for the service, designating the time and place where the commissioners will hear and pass upon protests made against the operation of the proposed district and stating that a description of the boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice shall be published in the newspaper published nearest to the place where the proposed district is to be created for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper as provided in [section 1] and shall also be posted in three public places within the boundaries of the proposed district.

(3) A copy of the notice shall be mailed by first class mail as provided in [section 2] to every person, firm, or corporation having real property within the proposed district listed upon the last completed assessment list for county taxes the same day the notice is first published."

SECTION 20. SECTION 7-13-2205, MCA, IS AMENDED TO READ:

"7-13-2205. Notice of petition -- hearing required.

(1) The text of the petition referred to in 7-13-2204 shall be published ~~once--each--week--for--2--consecutive--weeks--in--a--newspaper--printed--and--published~~ as provided in [section 1] in every county in which said territory lies ~~together--with--a--notice--stating--the--time--of--the--meeting--at--which--same--will--be--presented.~~

(2) ~~The--first--publication--shall--be--at--least--2--weeks--before--the--time--at--which--the--petition--is--to--be--presented.~~ When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

~~{3}--With--such--publication--there--shall--be--published--a--notice--of--the--time--of--the--meeting--of--the--board--when--such--petition--will--be--considered--and--that--all--persons--interested--therein--may--then--appear--and--be--heard."~~

Section 21. Section 7-13-2304, MCA, is amended to read:

"7-13-2304. Notice of intention to levy tax. (1) When the written estimate of the amount of money required has been delivered to the board of county commissioners, said board shall give notice of its intention to levy and collect a tax sufficient for the payment thereof.

(2) Such notice shall be given:

(a) by posting notice thereof in five public places within the county and within the boundaries of the lands upon which the tax is to be levied;

(b) by publishing a copy of the notice ~~once--each--week--for--2--consecutive--weeks--in--a--newspaper--published--in--each--county--wherein--the--district--is--located~~ as provided in [section 1]; and

(c) by forwarding, by regular ~~first-class--mail--or--registered--or--certified~~ mail as provided in [section 2] at least 10 days prior to the hearing provided for in 7-13-2306(4), a copy of the notice addressed to the owners and the purchasers under contracts for deed of taxable real property within the district as shown by the current assessment book on file in the office of the assessor of the county or counties the boundaries of which include taxable real property of the district."

Section 22. Section 7-13-2345, MCA, is amended to read:

"7-13-2345. Hearing and notice on petition to exclude land. (1) Upon the filing of such petition with the secretary of the district, he shall call a meeting of the board of directors of the district at a time not less than 25 days or more than 50 days after the filing of the petition and cause a notice of the filing of such petition to be published ~~once--each--week--for--2--consecutive--weeks--in--a~~

1 newspaper-of-general-circulation-published-in-each-county-in
 2 which--the--district-is-situated as provided in [section 1].
 3 Such notice shall also state the date of the filing of such
 4 petition and that the same will come on for hearing before
 5 the board of directors of the district and-shall--state--the
 6 time-of-the-hearing-and-the-place-thereof.

7 (2) Any landowner or taxpayer within the district
 8 shall have the right to appear at said hearing, either in
 9 behalf of or in opposition to the granting of said petition.
 10 Said petition shall come on for hearing before the board of
 11 directors of the district at the time and place specified in
 12 the notice of hearing.

13 (3) (a) Except as provided in subsection (3)(b), the
 14 place of the hearing shall be the regular meeting place of
 15 the board of directors of the district.

16 (b) The board may adjourn the hearing to a more
 17 convenient meeting place within the district."

18 SECTION 23. SECTION 7-13-2506, MCA, IS AMENDED TO
 19 READ:

20 "7-13-2506. Notice of petition and hearing. Upon
 21 receipt of a duly certified petition, the board of county
 22 commissioners shall cause the text of the petition to be
 23 published once-a-week-for-at-least-3-consecutive-weeks-in-a
 24 newspaper-of-general-circulation-within-the-county-where-the
 25 petition-is-presented as provided in [section 1]. If any

1 portion of the proposed district lies in another county, the
 2 petition and notice shall likewise be published in that
 3 county. No more than five names attached to the petition
 4 shall appear in the publication and notice, but the number
 5 of signatures shall be stated. With-the-publication-of--the
 6 petition,--there--shall-be-published-a-notice-of-the-time-of
 7 the-meeting-of-the-county-commissioners--when--the--petition
 8 will--be-considered,--stating-that-all-persons-interested-may
 9 appear-and-be-heard."

10 Section 24. Section 7-14-2706, MCA, is amended to
 11 read:

12 "7-14-2706. Notice of meeting. {1} The county clerk
 13 shall immediately notify the county road superintendent of
 14 the meeting and shall cause a notice thereof to be printed
 15 in-the-newspaper published nearest-to-the--vicinity--of--the
 16 road,--The-notice-shall-be-published-for-3-consecutive-weeks
 17 prior-to-the-time-of-the-meeting as provided in [section 1].

18 {2} The notice shall state the-time-and-place-of-the
 19 meeting-and in general terms the kind of construction or
 20 improvement sought and the place of beginning, intermediate
 21 points, and termination."

22 Section 25. Section 7-14-2739, MCA, is amended to
 23 read:

24 "7-14-2739. Notice of preparation of assessment roll.
 25 As soon as the assessment roll is reported and filed, the

1 board shall publish notice ~~for 3 consecutive weeks in the~~
 2 ~~newspapers in which notice of invitations for bids for the~~
 3 ~~contract was published~~ as provided in [section 1]. The
 4 notice shall notify all persons interested that the
 5 assessment roll has been filed and require them to appear at
 6 the office of the board at the county seat at a time not
 7 less than 15 days from the date of the last publication of
 8 the notice to make objections."

9 Section 26. Section 7-14-4630, MCA, is amended to
 10 read:

11 "7-14-4630. Notice for bids to lease parking facility.
 12 (1) The notice required by 7-14-4629(1) shall consist of the
 13 publication of a notice as provided in [section 1] inviting
 14 ~~bids, with two or more insertions thereof, not less than 5~~
 15 ~~days apart, in a newspaper of general circulation printed~~
 16 ~~and published in such city or city and county. The~~
 17 ~~publication shall be commenced not less than 15 days prior~~
 18 ~~to the date set in the notice for the opening of bids, if~~
 19 ~~there be no newspaper of general circulation printed or~~
 20 ~~published therein, notice shall be given by posting copies~~
 21 ~~of said notice inviting bids in at least three public places~~
 22 ~~in the city or city and county not less than 15 days prior~~
 23 ~~to the date set in the notice for the opening of bids.~~

24 (2) Such notice shall distinctly and specifically
 25 describe the project and the facilities in connection

1 therewith which are to be leased, the period of time for
 2 which said project is to be leased, and the minimum rental
 3 to be paid under such lease."

4 Section 27. Section 7-15-2103, MCA, is amended to
 5 read:

6 "7-15-2103. Notice of hearing on petition. The notice
 7 required by 7-15-2102 shall be given at the county's expense
 8 by publishing a notice ~~at least 10 days preceding the day on~~
 9 ~~which the hearing is to be held in a newspaper having a~~
 10 ~~general circulation in the county or, if there be no such~~
 11 ~~newspaper, by posting such a notice in at least three public~~
 12 ~~places within the county at least 10 days preceding the day~~
 13 ~~on which the hearing is to be held~~ as provided in [section
 14 1]."

15 Section 28. Section 7-16-2324, MCA, is amended to
 16 read:

17 "7-16-2324. Sale, lease, or exchange of dedicated park
 18 lands. (1) For the purposes of this section and part 25 of
 19 chapter 8, lands dedicated to the public use for park or
 20 playground purposes under 76-3-606 and 76-3-607 or a similar
 21 statute or pursuant to any instrument not specifically
 22 conveying land to a governmental unit other than a county
 23 are considered county lands.

24 (2) A county may not sell, lease, or exchange lands
 25 dedicated for park or playground purposes except as provided

under this section and part 25 of chapter 8.

(3) Prior to selling, leasing, or exchanging any county land dedicated to public use for park or playground purposes, a county shall:

(a) compile an inventory of all public parks and playgrounds within the county;

(b) prepare a comprehensive plan for the provision of outdoor recreation and open space within the county;

(c) determine that the proposed sale, lease, or exchange furthers or is consistent with the county's outdoor recreation and open space comprehensive plan;

(d) publish notice as provided in [section 1] of intention to sell, lease, or dispose of such lands, giving the people of the county opportunity to be heard regarding such action;

(e) if the land is within an incorporated city or town, secure the approval of the governing body thereof for the action; and

(f) comply with any other applicable requirements under part 25 of chapter 8.

(4) Any revenue realized by a county from the sale, exchange, or disposal of lands dedicated to public use for park or playground purposes shall be paid into the park fund and used in the manner prescribed in 76-3-606 and 76-3-607 for cash received in lieu of dedication."

Section 29. Section 7-21-3422, MCA, is amended to read:

"7-21-3422. Notice of intention to create fair district -- hearing. Notice of the resolution of intent to create a fair district shall be published ~~in--two--regular weekly--issues--of--a-newspaper-in-the-county--setting-forth the-date-on-which~~ as provided in [section 1], stating that a hearing shall be had on the resolution by the taxpayers and residents of the county and ~~at-which-time~~ that objections will be heard."

Section 30. Section 7-22-2212, MCA, is amended to read:

"7-22-2212. Notice of hearing. Upon setting a date for the hearing, the governing body shall give notice of the hearing in the following manner:

(1) notice is to be sent by certified mail to each owner of land within the proposed district at the last-known address as shown in the county records;

(2) notice is to be posted in at least three public places within the proposed district; and

(3) notice is to be published ~~in-at-least--two--issues of--a-newspaper--of--general--circulation--in--the-proposed district--with-at-least-7-days-between-publication--and--the first--publication--must--be--at--least--10--days-before-the~~ hearing-date as provided in [section 1]."

SECTION 31. SECTION 7-22-2406, MCA, IS AMENDED TO

READ:

"7-22-2406. Notice of hearing on petition to create district. (1) ~~If addresses are known, the~~ The commissioners shall cause notice of the hearing provided for in 7-22-2403 to be mailed as provided in [section 2] to each nonresident owner and purchaser under contract for deed of taxable real and personal property within the proposed district.

(2) The commissioners shall cause notice to be posted in three public places within the district. Whenever the district is partly in one county and partly in another county, notice must be posted in each county but posting need not be in three places in each county.

(3) The commissioners shall also cause notice to be given of the time and place of the hearing and the methods of objection by publication ~~in a newspaper within or nearest to the district and, as provided in [section 1], in each county if the district is partly in one county and partly in another county, in a newspaper in each county, if such newspaper exists. The publication must be for two weekly issues.~~

~~(4) Posting and first publication shall be at least 10 days before the hearing.~~

Section 32. Section 7-22-2446, MCA, is amended to read:

"7-22-2446. Hearing on petition for dissolution -- notice. Upon the filing of a petition for dissolution, the board of county commissioners shall set a time for hearing the petition and shall cause notice thereof to be mailed as provided in [section 2] to all nonresident property owners and purchasers under contracts for deed within the district whose addresses are known, to be posted in at least three public places within the district, and to be published ~~at least once in the official newspaper of the county published in the district, the posting and publication to be at least 10 days before the date of hearing~~ as provided in [section 1]. Whenever the district is partly in one county and partly in another county, notice must be posted in each county, but posting need not be in three places in each county, and notice must be published in ~~the official newspaper of each county.~~

Section 33. Section 7-33-2102, MCA, is amended to read:

"7-33-2102. Notice of hearing. The board shall, within 10 days after the receipt of the petition, give notice of the hearing thereof at least 10 days prior to the hearing:

(1) by mailing a copy of the notice ~~by first-class mail~~ as provided in [section 2] to each freeholder in the district at the address shown in the assessment roll;

(2) by causing notices of the time and place of such

1 hearing to be posted in at least three of the most public
2 places within the area proposed to be established as a fire
3 district; and

4 (3) by publishing the notice ~~at least once, not less~~
5 ~~than 10 or more than 20 days prior to the time of the~~
6 ~~hearing, in a newspaper regularly published in the county in~~
7 ~~which such proposed district is situated~~ as provided in
8 [section 1]."

9 SECTION 34. SECTION 7-34-2107, MCA, IS AMENDED TO
10 READ:

11 "7-34-2107. Notice of hearing. (1) A notice of the
12 hearing required by 7-34-2106 shall be published in a
13 newspaper having general circulation in the territory within
14 the boundaries of the proposed hospital district once each
15 week for at least 2 weeks, the last publication to be at
16 least 2 weeks before the hearing, if there is no newspaper
17 having general circulation within the boundaries of the
18 proposed hospital district, the notice of hearing shall be
19 posted in at least three public places within the boundaries
20 of the proposed district for 2 weeks before the hearing;

21 (2) ~~The notice shall state the time, date, place and~~
22 ~~purpose of the hearing, describe the boundaries of the~~
23 ~~proposed hospital district, and state that any person~~
24 ~~residing in or owning property within the proposed hospital~~
25 ~~district may appear in support of or in opposition to the~~

1 petition at such hearing as provided in [section 1]."

2 Section 35. Section 7-34-2153, MCA, is amended to
3 read:

4 "7-34-2153. Hearing on petition for annexation --
5 notice. (1) At the first regular meeting after the
6 presentation of said petition, said board of county
7 commissioners shall cause notice of said petition to be
8 published in two successive issues of a newspaper published
9 in the county as provided in [section 1] prior to the date
10 fixed by said board for the hearing of said petition, which
11 date shall be not less than 4 weeks after the filing of such
12 petition.

13 (2) Upon the date fixed for such hearing or
14 continuance thereof, said board shall take up and consider
15 said petition and any objections which may be filed to the
16 inclusion of any additional area or territory in said
17 district."

18 Section 36. Section 7-34-2157, MCA, is amended to
19 read:

20 "7-34-2157. Hearing on petition for withdrawal --
21 notice. (1) The board of county commissioners shall, upon
22 the filing of such a petition, fix a time for the hearing of
23 such withdrawal petition, which time shall not be more than
24 4 weeks after the receipt thereof.

25 (2) Any interested person may appear at said hearing

1 and present objections to the withdrawal of said portion
2 from said district.

3 (3) The board shall~~at least 2 weeks prior to the~~
4 ~~time so fixed~~, publish a notice of such hearing in two
5 ~~successive issues of a newspaper published in the county as~~
6 ~~provided in [section 1].~~"

7 Section 37. Section 7-34-2162, MCA, is amended to
8 read:

9 "7-34-2162. Hearing on petition for dissolution --
10 notice. Upon the filing of such petition, the board of
11 county commissioners shall set a time for hearing the same
12 and shall cause notice thereof to be posted in at least
13 three separate public places within said district for at
14 least 2 weeks prior to the hearing. The notice shall also be
15 published ~~for at least two successive issues in a newspaper~~
16 ~~published in the county prior to such hearing as provided in~~
17 ~~[section 1].~~"

18 Section 38. Section 7-35-2102, MCA, is amended to
19 read:

20 "7-35-2102. Notice of hearing on creation of district.

21 (1) The board of county commissioners shall cause notice to
22 be given of the time and place of said hearing by
23 publication as ~~prescribed by law for not less than 2 weeks~~
24 ~~prior to the time of said hearing provided in [section 1].~~

25 (2) Said notice shall state that any person residing

1 in or owning property within said proposed district or
2 within any existing cemetery district, any part of the
3 territory of which is described in said petition, may appear
4 before said board at the hearing and show cause why the
5 district should not be created or the proposed boundaries
6 changed."

7 Section 39. Section 7-35-2115, MCA, is amended to
8 read:

9 "7-35-2115. Notice and hearing on alteration of
10 boundaries. (1) At the first regular meeting after the
11 presentation of said petition, said board of county
12 commissioners shall cause notice of said petition to be
13 published ~~according to law for 2 weeks prior to the date to~~
14 ~~be fixed by said board for the hearing of said petition as~~
15 ~~provided in [section 1].~~

16 (2) Upon the date fixed for such hearing or
17 continuance thereof, said board shall take up and consider
18 said petition and any objections which may be filed to the
19 inclusion of any property in said district.

20 (3) Said board shall have the power, by order entered
21 on its minutes, to grant said petition either in whole or in
22 part and to alter the boundaries of said public cemetery
23 district and to annex thereto all or such portion of said
24 territory described in said petition as will be benefited
25 thereby."

1 NEW SECTION. Section 40. Codification instruction.
2 Sections 1 and 2 are intended to be codified as an integral
3 part of Title 7, and the provisions of Title 7 apply to
4 sections 1 and 2.

5 NEW SECTION. Section 41. Severability. If a part of
6 this act is invalid, all valid parts that are severable from
7 the invalid part remain in effect. If a part of this act is
8 invalid in one or more of its applications, the part remains
9 in effect in all valid applications that are severable from
10 the invalid applications.

-End-

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 21, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on March 21, 1985 at 4:00 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present. Rep. Brown arrived late.

CONSIDERATION OF SENATE BILL NO. 291: Sen. Hammond of District 9, Malta, appeared before the committee as sponsor of the bill. This is a bill to limit the state mandated audits of municipalities to towns and cities above a population of 300. He explained that this bill has been amended in the Senate committee, that cities and towns under 300 would be exempt. Prior to that, he had suggested it be the 4th class cities and towns. In his area, seven towns were incorporated years ago and they have water and sewer systems that they need to maintain. The audits will cost a lot, and they are allowed to levy 65 mills. They have no way of keeping money from one year to the next. One year it took 33 of the 65 mills. It has gotten beyond what the people can bear.

PROPOSERS: Alec Hansen, representing the League of Cities and Towns, stated they support SB 291. This bill will cover approximately 27 of the small towns of Montana. These towns spend an extraordinary amount of their budget to comply with the audit. This is a reasonable amendment because it deals with the problem where it is most serious. The little towns don't have the money to comply with these problems. He hoped the committee would agree to pass this bill.

Bill Verwolf, representing the city of Helena, and the Montana Municipal Clerks, Treasurers and Finance Officers, said for the reasons stated, they support this bill.

OPPOSERS: Sandra Whitney, representing the Montana Taxpayers Association, presented written testimony (exhibit 1) which she read to the committee. She requested this bill be killed, or amended as suggested in exhibit 1, so that accountability for all public funds is guaranteed.

Don Dooley, representing the Department of Commerce, Helena, also presented written testimony (exhibit 2) in opposition to this bill. He said he concurs with the statement from the Montana Taxpayers Association. The purpose of the hearing today is that the money set aside to pay for the audit is used for other purposes. He asked the committee to not pass HB 291.

not. Gordon Morris said the bill does not provide authority to make any transfers between funds.

Sen. Harding arrived; therefore, the committee adjourned from executive session.

CONSIDERATION OF SENATE BILL NO. 130: Sen. Harding of District 25, sponsored this bill, which is an act to generally standardize notice requirements relating to the conduct of business of local government units other than municipalities. She said this is a very good housekeeping bill, endorsed by the county commissioners because it affects their notices. It makes publication of notices uniform, and brings all notices into focus. She urged the committee to pass this bill.

Sue Bartlett, Lewis and Clark Clerk and Recorder, speaking in behalf of the Legislative Committee and the Clerk and Recorder's Association, stated they support SB 130. It is designed so that it only affects the notices that are in respect only to the counties, and it will give them a chance to do a better job. The requirement that notices be made to property owners is not deleted for potential county actions.

Mike Stephen, Montana Association of Clerks and Recorders, said these announcements are in Title #7, and are a select grouping of announcements. This will standardize to give adequate notice to the public and it will help the clerk and recorder to keep track of it.

Gordon Morris, Montana Association of Counties, stated, they supported this bill in the Senate Local Government, and asked for a Do Concur vote from the House Local Government Committee.

OPPONENTS: There were no opponents present.

DISCUSSION OF SENATE BILL NO. 130: Rep. Sales commented to Gordon Morris that he sees rural improvement districts are covered in this bill, but that we changed the timing on his fat bill. Mr. Morris answered that he doesn't think they took into consideration the uniform bill.

Rep. Sales then said it requires mailing instead of posting. Sen. Harding said that is covered. Rep. Sales stated because of the mailing, the time was extended to allow for the mail to get to the people, and for the people to react.

In closing, Sen. Harding said she is sure they can take care of this, as it is really to enhance local government issues.

The committee then went back into executive session for action on bills.

DISPOSITION OF SENATE BILL NO. 126: Rep. Brandewie requested

Ardi Aiken, Great Falls, stated they would like more flexibility in moving dollars within funds within classifications.

Jim Van Arsdale, Mayor of Billings, stated this would help streamline their city government.

Gordon Morris, Montana Association of Counties, stated they would like to go on record in support of this bill and asked for a Do Concur.

OPPONENTS: There were no opponents present.

DISCUSSION OF SENATE BILL NO. 160: There was no discussion by the committee members.

Sen. Fuller closed SB 160 and said Rep. Jan Brown would carry the bill.

The committee then took a five minute break before going back into executive session for action on bills.

DISPOSITION OF SENATE BILL NO. 130: Rep. Gilbert made the motion of BE CONCURRED IN, seconded by Rep. Hansen. Question being called for, motion PASSED UNANIMOUSLY.

Rep. Hansen would carry this bill.

DISPOSITION OF SENATE BILL NO. 160: Rep. Switzer made the motion of BE CONCURRED IN, seconded by Rep. Poff.

Rep. Kadas moved the amendment, putting in the effective date of July 1, 1985. This was seconded by Rep. Hansen. Motion PASSED UNANIMOUSLY.

Rep. Hansen then moved that SB 160 BE CONCURRED IN AS AMENDED, and this was seconded by Rep. Kadas. Question being called for, motion PASSED, with Rep. Fritz voting "no".

DISPOSITION OF SENATE BILL NO. 76: Rep. Fritz made the motion of BE CONCURRED IN, seconded by Rep. Hansen.

Rep. Fritz then moved to amend by striking the Senate amendments and putting libraries back in, and also the 24 mills. Rep. Kadas seconded that motion. Rep. Kadas questioned if the 24 mills shouldn't be 21 mills.

Rep. Sales said there are some other special service levies that are not included, such as city-county health board, cemetery, economic development, extension service, etc., and if we are going to develop a special fund for these add-on services, then they should all be in there and all have to compete with each other within their limit as to who gets what.

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Mar. 21, 1985

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓		
Ray Brandewie	✓		
Dave Brown	late		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	✓		
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		

VISITORS' REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. SB 130

DATE March 21, 1985

SPONSOR SENATOR HARDING

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

.....March 21..... 19 85.....

MR. SPEAKER:.....

We, your committee on LOCAL GOVERNMENT.....

having had under consideration SENATE..... Bill No. 130.....

THIRD reading copy (BLUE)
color

**PROVIDING STANDARD NOTICE PROVISIONS FOR LOCAL GOVERNMENT
EXCEPT CITIES AND TOWNS.**

BEST COPY
AVAILABLE

Respectfully report as follows: That.....SENATE..... Bill No. 130.....

BE CONCORRED IN

~~XXXXXX~~
DO PASS

1 SENATE BILL NO. 130

2 INTRODUCED BY HARDING, POFF, HANNAH, REGAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY
5 STANDARDIZE NOTICE REQUIREMENTS RELATING TO THE CONDUCT OF
6 BUSINESS OF LOCAL GOVERNMENT UNITS OTHER THAN
7 MUNICIPALITIES; AMENDING SECTIONS 7-2-2704, 7-2-2756,
8 7-4-2307, 7-5-2301, 7-6-2326, 7-6-2342, 7-6-2605, 7-8-101,
9 7-8-2212, 7-8-2216, 7-8-2302, 7-8-2511, 7-11-228, 7-12-2105,
10 7-12-2159, 7-13-145, 7-13-208, 7-13-2205, 7-13-2304,
11 7-13-2345, 7-13-2506, 7-14-2706, 7-14-2739, 7-14-4630,
12 7-15-2103, 7-16-2324, 7-21-3422, 7-22-2212, 7-22-2406,
13 7-22-2446, 7-33-2102, 7-34-2107, 7-34-2153, 7-34-2157,
14 7-34-2162, 7-35-2102, AND 7-35-2115, MCA."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 NEW SECTION. Section 1. Publication and content of
18 notice. Unless otherwise specifically provided, whenever a
19 local government unit other than a municipality is required
20 to give notice by publication, the following applies:

21 (1) Publication must be in a newspaper meeting the
22 qualifications of subsections (2) and (3), except that in a
23 county where no newspaper meets these qualifications,
24 publication must be made in a qualified newspaper in an
25 adjacent county. If there is no qualified newspaper in an

REFERENCE BILL

There are no changes in S B 130 and will
not be reprinted. Please refer to yellow
or blue copy for complete text.